

Howard E. Shuman

Legislative and Administrative Assistant
to Senators Paul Douglas and William Proxmire, 1955-1982

Interview #7: Battling the Bureaucracy

(September 24, 1987)

Interviewed by Donald A. Ritchie

Ritchie: You spent a great deal of attention, while you were on Senator [Douglas'](#) staff, on the case of Sergeant Carl Buck. I wondered if you could tell me what that was all about, and why you got so involved in it?

Shuman: The Sergeant Buck case represents several different things. I worked on it on and off for nine years. First of all, it has to do with the First Amendment, because the First Amendment states among other things that Congress shall make no law which would prohibit the right of the people to petition the government for a redress of their grievances. I think that Senate offices must spend half of their time answering the petitions of grievances of individual citizens. It is an institution of our government which is essentially unknown in most parliamentary governments, and I think is an extraordinarily important aspect of making this a political democracy and keeping us free to a much greater extent than other political democracies, Britain and France for example.

But in addition to that, the Buck case illustrates three other things. It illustrates what's wrong with military justice. It illustrates to me at least how unwilling to bend the

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bureaucracy was, the impossibility of getting the bureaucracy to change a decision that was wrong --i t just refused to do it. And the third thing, it was a detective story with a happy ending.

For me it started in 1956. I got the case by accident. Ordinarily I did not handle case work, but in July of that year the woman in the office who was the administrative person came to me and said "I'm going on vacation. This week a man by the name of Sergeant Buck, who has an incredible story, came in. I don't have time to do anything about it, will you take it while I'm gone?" I said, aye, aye, I'll do it. A few days later Sergeant Buck charged into our office. I was in a long, narrow office that had been built out of a corridor in the Old Senate Office Building, now the Russell Building. I had the very last desk, and there were at least five or six desks in front of me. Sergeant Buck charged down the corridor like a Marine landing at Tarawa or Iwo Jima. He charged back to my desk and

said, "You Howard Shuman?" I said yes. He said, "I'm Sergeant Buck." He was dressed in full Marine uniform. He was a Master Sergeant, so he had six stripes on one sleeve. He'd been in for twenty years, so he had all the fogey stripes on the other arm; and he had all his medals on his chest. He'd been in the Pacific during World War II. I told him to sit down, and for an hour or more he poured out his story -- an incredible story -- and he left me with a pile of papers a foot high. He rambled. He was disorganized. Later I

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found out the details, through almost living with him, because he came to my home every weekend. He'd drive out with his wife and his kids, and my wife would look out the window and say, "Oh, my God, here come the Bucks!" In great pain and anguish he would pour out his story to me on the weekends, and he would come in to the office almost every morning to tell his story.

Initially, at least, I had a lot of doubts about it. It was uncoordinated, but later I found out that while he didn't have a philosophical mind, he had a phenomenal memory. He could remember dates, times, places, people, and what happened in detail. Of course, I checked the facts out, and he was almost always right. So I believed him when he told me about specific events.

He had spent twenty years in the Marine Corps, and he was stationed at San Diego, at the boot camp. He was a baker, and he was in charge of the bakers, and he was also the president of the NCO club, and he was captain of the football team. He was a hero. He was the leader of the non-commissioned officers. Furthermore he had taken the exam to become warrant officer and passed it. He was waiting for the official promotion. On March 5, a Wednesday, 1952, during the Korean War, sometime at the noon hour, a Marine drove into Camp Pendleton 40 miles north. He was dressed in a Marine uniform of one kind or another, wore dark glasses, and parked outside a warehouse, 22-S-4. He went into the warehouse to talk to the storekeeper, Sergeant Shurlin Hatley was his name --

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Shurlin E. Hatley. The marine tried to make an off-the-record deal that he would give Hatley fifty dollars and a case of whiskey, for three cartons of chevrons that are sewed on the uniforms, the stripes. He said he wanted to come up on Friday at one o'clock to get them. He made some small talk and asked for the whereabouts of two marines. He left, and Hatley was going to lunch, so they met outside again. The thief went over to Hatley's car and they talked, and they agreed that he would come back at noon on Friday. Chevrons were in short

supply. They were needed by marines for the dress uniforms they bought at the local tailor shops.

Hatley took down the license number of the car, and gave the license number and a report of the incident to his superiors. The only name the thief gave was "Chuck." On Friday morning, the 7th of March, the officers called in a Marine investigative detective by the name of Walter Franz, also a Master Sergeant, and they put him in charge of the case. They told him to set a trap for the thief, which was done. Hatley, back at the warehouse, got three boxes of different types of chevrons, and brought them up front to his office. He failed to mark the boxes. There was another sergeant there Layton who was looking out the window, and Master Sergeant Franz, the detective, stationed himself away from them, but where he could watch what happened. At twelve o'clock precisely, a car drove up. Hatley cried out, "It's him." The car

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was a yellow or cream colored Studebaker. A man got out of the car. He had on dark glasses. His head was covered with a jacket or shawl. Descriptions of his height, uniform, whether he was clean shaven or wore a mustache, etc., varied widely. He came in the warehouse, talked to Hatley, said "Have you got 'em?" Hatley said, "Yes, they've been brought up front." Hatley then took the boxes and put them outside of the warehouse on the cement ramp, and from there the thief put them in the back seat of his car. He came back and paid Hatley. Hatley tried to delay him, but the thief said, "No, I got to get the hell out of here." He was in a hurry. He gave Hatley fifty dollars: two twenties and two fives. He went out and drove away. The wind was blowing very hard. The rain was coming down in torrents.

In the meantime, as the thief went out, Master Sergeant Franz came back in. He had parked his jeep in the wrong direction. He had it heading into the base (the warehouse was seven miles inside the gate), and the thief's car was parked to head out of the base. So Master Sergeant Franz ran out furiously. He had the thief, he had him with the goods, he had the money, but he'd parked his jeep in the wrong direction. He blew it. He went out, got in his jeep and started up the road to turn around. Meantime, the thief ran out and drove away, going pell mell down the highway inside the base, seven miles from the front gate. At a mile and a half before the gate, or five point five five miles to

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be precise, Master Sergeant Franz lost the man. He went into a baker's house there and called the front gate. Just as he called the front gate, the thief was going

through. There were shouts to stop him, but he got through. Now, nobody knows where he went. Did he go north to LA? Did he go south to San Diego? Did he go into the town and along the beaches? Or did he turn around and come back and go up to the mountains? Whatever, he disappeared.

Just after that, Franz called the local town Marine patrol, to report: stop a Marine in a yellow Studebaker. Then the report was relayed to the California highway police. Now, on this day Buck had left San Diego. He had previously been stationed at Camp Pendleton. He had purchased a yellow Studebaker from the Studebaker dealer there, a man by the name of Freed, and he had come back because he had a bad cam shaft on his car and he hoped to get it fixed. Mind you, this day was very stormy. It was raining cats and dogs. Franz, when he was pursuing the thief, said he was slowed down by the wind and the rain. Also he had a governor on his car and he couldn't go more than fifty miles an hour. Still, he had the thief in view for almost five of the seven miles. Ultimately, one could precisely determine how long it took to get to the front gate if the thief averaged fifty miles an hour, forty-five miles per hour, forty, thirty and so on. So mathematically we could put the thief at the gate at a particular

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time, which was very important for the case. The thief left the warehouse between 12:07 and 12:10.

Buck had come up to Oceanside that day. Freed couldn't do anything about his car then. So Buck drove back to San Diego, where he had to be back at one o'clock. In a town, Solana Beach, which counting Oceanside was the sixth town south, and eighteen miles south of Oceanside, and according to the trial record twenty-two miles south of the warehouse, but in fact almost twenty-five miles south of the warehouse, Buck, driving his yellow Studebaker, pulled into the center of Solana Beach. As he stopped at the stop light, the driver next to him told him that his rear license plate was dangling loose. When the light turned green he pulled across the intersection and pulled onto a cement carpet on the right-hand side of the road, got out, covered his head, and fixed his license plate with a screwdriver.

At this moment there was screech of tires from a car that braked and parked next to him. It was a California Highway policeman. He said, "I've got a call to pick up a Marine in a yellow Studebaker." He took Buck's ID card and searched his car thoroughly. There were no chevrons in his car, there was no blanket in his car which had covered the chevrons, which the thief apparently had over his head. Buck was dressed in full Marine greens, with all his ribbons. He was not wearing dark glasses. And he was very calm. And he hadn't been speeding. He wasn't

tearing through the town. At Buck's court martial, the testimony by officer Doran was that this was 12:15 to 12:20. He denied it was as late as 12:30. So there was a time element that could be figured out. Buck was picked up 22 to 25 miles from the scene of the crime eight to ten minutes after the crime took place.

Well, Buck said he had been railroaded. There was some key testimony at his court martial, which was five months later, which convicted him. One was the identification. The military policeman, Franz, identified him, said the thief was Buck. And throughout his testimony he said, "Buck did this", "Buck did that", "Buck did the other." But no one had his name at the time, if it had been Buck or anybody else. The man was only known by the name of Chuck. But during the trial, Franz used the term "Buck this", "Buck that," at periods when there was no way he knew who it was, Buck or anybody else.

The storekeeper, Hatley, identified him in a quasi-way. Said, yes, he thought that was him, but he couldn't say what his dress was. He said he had a mustache, and Buck was part-Indian and couldn't grow a beard or a mustache. He put him in a variety of uniforms. He had him with dark glasses on and off. He had him in a fore and aft cap; he had him with a sweater over his head; with a shawl over his head. The identification was not very good. There were many discrepancies by all the witnesses. The third man, Johnston Layton, who was there, testified at the pretrial

that it definitely was not Buck. But at the trial he said he couldn't tell. He shifted his testimony. Incidentally, at this stage, Hatley had resigned from the Marine Corps. He got out for some reason. I think he was pressured. So number one was the identification.

The second thing at the trial was the alleged confession. Franz said that Buck had confessed to him after they had taken him from Solana Beach back in the paddywagon back to the police station in Oceanside. What happened there, according to Buck, was that Franz was surprised when he saw him, and looked him over, put dark glasses on his face, took them off, and finally pointed to him and said, "Yes, that's the man." Then Franz testified that when they were together on the way back to Camp Pendleton, Buck had confessed to him. That he said yes, he had taken the chevrons, and that he had given them to another Marine by the name of Blackman at the nursery road, which is about a mile before the gate. "He delivered them to a Blackman in a black Chevrolet," was what Franz said he said. But there was no record of the confession, no written confession. It was Franz'

word against Buck's that there was a confession. This was contradicted by Hatley's pretrial statement which was not used at the trial.

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Hatley said the thief asked him to go along with a story if he were stopped at the gate that taking the chevrons was a joke or a lark. But this important evidence was not used at the trial.

The third thing that was very important was that when Buck was put into the brig on that Friday, and kept there until the following Monday, he had some mad money, a fifty dollar bill, hidden in his wallet. He gave his clothes to the brig warden and got the clothes that he had to wear in the brig. He gave them all of his personal belongings, but at the last minute he retrieved his wallet and he said, "I've got to get the fifty dollar bill," which he gave them. When he came out of the brig on the following Monday, he got a check for his money rather than cash. As he was leaving, he said to the brig warden, "Where's my fifty dollar bill?" Whereupon he was jumped on by Franz who charged Buck for asking for the fifty dollars back. But remember it was two twenties and two fives that were paid for the chevrons, not a fifty dollar bill. That request became a very, very important item at the trial. The prosecutor referred to it as the icing on the cake, that Buck had asked for his fifty dollars back.

The fourth thing that happened, that helped convict him, involves Buck's stay in the brig from Friday to Monday. His wife had come up on Sunday and they wouldn't give her the time of day. She finally got to see him, after waiting and waiting and waiting for him, for just a few minutes. She retrieved the car, which was in Oceanside. They had a newly-born son who was ill, and she was desperate for the car. And she got a lawyer, by the name of Stevens. The lawyer came and got Buck out of the brig on Monday.

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Buck then had to go back to San Diego by bus. It was early evening. He got back to his house, which was south of San Diego, his wife picked him up at the bus station, and when he got home he couldn't get out of the car. He was in such pain from the rain and the dampness and his arthritis, that he could scarcely move. That evening she called for an ambulance and they took him to the San Diego naval hospital, where he stayed for most of a month. For a couple of weeks he was flat on his back.

Now, Stevens in Oceanside had a partner by the name of Daubney, whom Buck had never met. Daubney had been the prosecutor at the Marine Corps base -- he

was a captain, I think -- and had left the Marines and gone into private practice in Oceanside, defending Marines. Within a week or so, Daubney was called by someone who said "What would you do if some government property was left with you?" He said, "I'd return it to the Marine Corps." Then a few days later he found, coming out of his office late at night, a blanket full of chevrons. He then called Sergeant Franz, whom he knew, and the chevrons were returned to the Marines by way of the local FBI man, who unfortunately never made a record of it, and later got into lots of trouble when the case became important. He took the chevrons back. And it was alleged, therefore, that the chevrons which were stolen were returned. As I said, Buck had never, ever met Daubney at this time. He knew Stevens, but had never met nor knew Daubney. Buck at this time was flat on his

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back in the San Diego hospital, which is something I found out in investigating the case. So the question was: why in the heck would anybody call Daubney? He wasn't Buck's lawyer at the time. It was almost three months later that Daubney became Buck's lawyer. When Buck was charged he went to see Stevens who was too busy to take the case and referred Buck to his partner Daubney.

But anyway a great to do was made about the returned chevrons, and what happened was that the prosecution called Daubney, who was Buck's defense lawyer at the courtmartial, to the stand as a prosecution witness -- something I've never, ever heard of before to testify about the return of the chevrons. Daubney testified about the call and he said that definitely the person on the phone was not Buck because Buck had a very, very deep voice. But nobody went into the question of whether the chevrons, which were loose in a blanket, were the chevrons that were stolen or not. A box of chevrons was put in evidence by the prosecution at the court martial, but neither the chevrons which were returned nor the chevrons offered as evidence were the chevrons which were stolen.

Buck's defenses by Daubney were two: number one, that no crime had taken place; and number two that Buck wasn't the person who did the no crime. The big argument on no crime was that the chevrons were removed from the warehouse by the storekeeper in whose custody they were, and therefore no larceny had taken place. It's as if my typewriter here were left outside the War College

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building and you came along and picked it up. That is not larceny. Secondly, Daubney brought in California highway policeman Doran who picked up Buck down at Solana Beach. The policeman testified to the time, he said 12:15 to 12:20,

definitely not later than 12:30. Secondly, he said Buck was calm. Thirdly, that he had searched the car and there were no chevrons of any kind. And fourth, that the Marines did not know who they were looking for. He heard calls to pick up a Blackman. They said, "Who have you got?" He said, "I've got Master Sergeant Buck here from San Diego." Buck had said to him, "I'm not Blackman from Pendleton, I'm Buck from San Diego." That information went back to Oceanside and then they sent the paddywagon down, and they were surprised when they got Buck instead of Blackman. But Franz finally sent back a call saying, "Your man is Sergeant Buck." This was after Buck's name was radioed back by officer Doran.

The testimony of Officer Doran was unknown to the Marine authorities. They hadn't looked him up. Now, there is one key point about court martials. They are held under the new Code of Military Justice, and the Code of Military Justice says there isn't supposed to be a prosecutor and defense in the normal American tradition. The Code had taken procedures from the French, who have an investigating officer, and the investigating officer's job is to find out everything about the case and to see that justice is done. Well, the investigating officer hadn't

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even talked to the chief witness on the time element, and the investigating officer refused to talk to Buck's friends who could prove that on Wednesday, at the time the offer was made, Buck was in San Diego. He wasn't at Camp Pendleton at all. Those witnesses were never seen by the investigating officer. Frankly, they railroaded him.

There was a board of review, and the board of review agreed that no crime had taken place. They dismissed the charges and freed Buck. But there is a curious thing about military justice: if the government loses, it can appeal the case automatically. If the defendant loses, in this case Buck, he can appeal only if the Judge Advocate General agrees. So there is a double standard. The defendant doesn't have the same rights as the government. The Navy JAG lost, and they appealed the case to the Court of Military Appeals, which is the Supreme Court of military justice. The Court of Military Appeals found that larceny had taken place. I've read the decision, over and over and over in great detail, and you know what? The only issue before them was did larceny take place? And they got the facts wrong. There's not a word of evidence that the thief carried the chevrons out of the warehouse. The evidence overwhelmingly, time and again, is that the chevrons were carried out by Hatley. So they got the evidence wrong, and they therefore said that larceny had taken place, and they referred the case back to a further board of review.

Unlike the first board of review, where the members said they had the gravest doubts about the identity, but they didn't have to reach that issue, the second board of review said they still had a lot of doubts, and they quoted some of Franz's testimony, and agreed he didn't have Buck's name, and there was one very outrageous bit of testimony where they said Franz's identification was impossible, but they said, nonetheless identity was for the jury to decide, rather than them. So they went with the jury and they upheld the conviction. Well, Buck had got eighteen months in prison, he was fined a lot of money, and he was reduced in rank to private. They stood him up at Camp Pendleton and literally ripped the Master Sergeant stripes off his sleeve.

In the period between the board of review and the court of military appeals and the final decision, Buck had been free and they'd paid him. They'd given him quarters' allowance and everything else, which he had spent, and they came back after the decision and impoverished him. He was allowed only his private's salary, and out of that salary some of it was to go to his wife, but they took that money to pay back the funds they had given him when he was free. He didn't serve eighteen months. He served only about eight or ten or twelve months, something like that. This was the state of affairs when he came into see me that day.

I said to him, "Look, Buck, you're in uniform. You've been discharged, but you're in uniform. They'll arrest you." He said, "I hope they do, because that will get me back into court." He worked as a baker at night, and his wife worked in a law office during the day. He would work all night and then he would come in to see me the first thing in the morning, then he'd sleep in the afternoon. One of the reasons I was reasonably convinced he was innocent, apart from the facts of the case, was the effort the two of them were going through to try to prove his innocence. I figured that his wife would have known whether he was innocent or not, and I think after having done all the things they had done for four years to exonerate him, that at some stage she would have said to him, "Look, you made your point. Now forget it." I was impressed by her loyalty. She was a very bright, intelligent woman as well.

One of the first things we did was to ask the Navy Judge Advocate General about the case. He sent a commander up to see me who was from Illinois. He was very smart about it, he didn't send some one from Texas. I had studied the case at this stage, and I wasn't absolutely convinced about Buck's innocence. I had read the record. But this commander came up and I said to him, "What about it? Suppose

somebody else confessed to the crime with the name of Blackman, and we agreed that he did it? Could you do anything about Buck's case?" He said, "Absolutely not. The case

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is closed. Nothing we can do. It doesn't matter. If twenty-five guys said they did it, we wouldn't change it. It's finished." I didn't think that was a very good answer.

The second thing that he said infuriated me. He said, "It doesn't matter. This guy's no good anyway. He's got a bad record. Forget him." And he produced a letter which said, and I won't forget it because of the names, that "Buck was out to make a fast buck." I said, "Who wrote that letter?" He said, "It's an anonymous letter from someone in New York." I thought that was pretty thin, and furthermore, I said, "Commander, you don't think I'm dumb, do you?" Before we took this case, I looked at Buck's record, and there were only two things in his record for twenty years of any importance at all. One was that one day when he was supposed to have rolls on the menu, the bakers hadn't made the rolls and gave the crew bread instead, and he'd been called in by his superior and it had been put in his record that he'd substituted bread for rolls. The second thing happened in Japan. He was stationed there after the war, and he was outside a geisha house at ten, eleven o'clock at night, after the curfew. The MPs stopped him and said, "What's your name?" He said, "My name is Buck." They said, "don't give us that, Marine." He said, "All right, my name is Smith." So he was called in for a captain's mast or whatever to explain this discrepancy, and they understood it. But those were the only two blemishes in his record in twenty

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years. So I said to the Commander, "Look, you don't think I'm dumb? We checked it out. If he'd had a record of thievery, believe you me we would never have touched the case."

I was infuriated with this, and as a result of that I decided to stick with the case. If that hadn't happened, I might have given it up, because of the time it took, and it wasn't my direct job. But anyway we worked on this case very hard. The Eisenhower administration, and the special counsel to Eisenhower, Gerald Morgan, agreed to review the case de nova, anew. Nobody believed that they would do that, and I had had faith that they would do it, based on the evidence. Everybody was amazed when it happened, and I was crowing about it. But in a few days he wrote back and said they'd made a mistake and they weren't going to review it. I'm sure that was done because of the intervention of the Navy JAG and

the pardon attorney. That was number one. Then we got it to the [Kennedy](#) administration and got it to the White House. It was being reviewed, and the White House was willing to look at it. We had an agreement that they would start anew, and when Kennedy was murdered the case was about ready to be reviewed by them. But the Justice Department tried to sabotage the agreement. I spent a morning down there with one of their attorneys who said, "I'm sorry, we're not going to do it." He was supposed to review it, but when I talked with him his review was perfunctory. I said, "You ought to talk to Buck." "Oh," he said, "the prosecution

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isn't supposed to talk to the defense." So his position was he was not a reviewer but the prosecutor. I said, "I've got all this stuff about his innocence, and look what he's done and how hard he's fought it." "Well," he said, "they all say they're innocent." In other words, he tried to take back from us what the White House had promised us. But the White House was still with us when Kennedy was murdered.

In the meantime, we went before the board of correction for military records. I appeared with Buck, and the board changed his discharge from a bad conduct discharge to a regular, routine, general discharge. Furthermore, at about this time, the pardon people said that they would be willing to give him a pardon based on his good conduct since the crime, but they would not give him a pardon based on innocence. Buck turned it down, which I thought was very significant. He absolutely said no, even though by this time he had a general discharge, he could vote again, and he could always have waved that pardon and said, "Look, you see, I was pardoned by the President, I really didn't do it." But he was determined to turn it down.

Then we got it back to the White House again under Johnson. Lee White was in charge of it. He was an assistant counsel and my friend. I had worked with him on the Hill. Lee noticed one thing, which I want to bring up, to show how some of these things can change procedures. Lee was infuriated that the pardon

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attorney had had the last word in turning Buck down. He read the Constitution and he said the power of the pardon is a presidential power, and he insisted that the pardon attorney from then on submit to the White House not only the pardons he recommended, but the pardons he had turned down, on the ground that it was a presidential function. The pardon attorney was turning down

pardons, but that wasn't his job. That change took place as a result of the Buck case.

We pestered, and pestered, and pestered them. We agreed that if they would actually set up a review, we would abide by the result. If they would look at all the evidence, whatever decision they arrived at, we'd stop pestering them. And we had pestered the life out of them over a period of years: speeches on the floor, organizing other senators, [Mansfield](#) and the Florida fellow.

Ritchie: [George Smathers](#).

Shuman: Smathers, who were ex-Marines. We got all the ex-Marines in the Senate to support Buck. We did everything that you could imagine to publicize it. We didn't use Blackman's name, we used "Whiteman" as a substitute for Blackman. We did all these things, and the White House finally agreed to review it, and put Charlie Horsky, who was a very prominent lawyer who was in charge of D.C. matters, in charge. So I gathered all the material. I

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submitted all the evidence we had, the evidence on the chevrons especially -- the chevrons that were brought back were not the chevrons that were stolen. We detailed the time element. I got Geological Survey maps of the coast of California from Camp Pendleton to Solana Beach. We found out that there were something like ninety intersections between Pendleton and Solana Beach. There were six towns. There were nine stoplights. The speed limit over eleven miles of the eighteen was thirty-five miles an hour or less. There were only a few places where the limit was fifty-five. We got the highway department reports as to the number of cars that traveled that route -- it was a three-lane highway -- at the noon hour on a Friday. For Buck to have been the person to have arrived even by 12:30 he would have had to pass a couple of hundred cars going one way, and overtaken a similar number of cars going the other. There was no evidence that during that noon hour there was any speeding along the highway. It would have been noticed because the police patrolled it. So we had all this evidence as to mileage and time and so on, which was overwhelming.

Charley Horsky came to the office after we had submitted all the evidence to him. Oh, I must tell you that the number of the license plate never was presented at the trial. One of the things I always thought was that as the prosecution and Franz had the license plate and if it had been Buck's they sure as heck would

have used it, but it wasn't presented at the trial. So I made an extensive search for the license plate number. I called this fellow Hatley who was then in Chico, California, working in a dairy about it, because he had turned it over to his superiors. But he didn't have the number in his notes. I tried to trace all the yellow Studebakers in California to see what the license plate numbers were, and if any of them were owned by a Blackman. Horsky came up to the office one day and said, "We've done everything, but I'm not satisfied on this case until somebody interviews Blackman." I had asked the Marine Corps if there were any people by the name of Blackman stationed at Camp Pendleton on the day of the crime, because this question was asked of Franz at the trial. Franz said "No, there were no Blackmans. We looked everywhere. We called the battalion locators, we couldn't find one. There was no Blackman." That was his testimony. So I asked the Marine Corps if there was a Blackman stationed at camp Pendleton on the day of the crime, and they said yes, there were several. One of them was a Master Sergeant. So I asked for his picture and I got it, and he looked enough like Buck that they could have been kissing cousins. And ultimately we found seven Blackmans who were there at the time.

Horsky said, "Somebody's got to go talk to Blackman." It had to be Horsky, or Buck, or me, because we were the only ones who knew enough about the case to do it. Horsky was too busy to do

it, and obviously we couldn't ask Buck do it, so I went. The White House flew me to California on a military plane, and then Mr. Douglas and I shared the expenses of going down to San Diego to find Blackman. I went several miles back of San Diego to Blackman's house, which was on an old dirt road. I went in at an angle, drove up the hillside, and found a rather rickety house. I thought, "My God, he's really fallen on bad days." It was a rural slum. I knocked on the door and a very, very tall teenage girl opened the door. I asked for Sergeant Blackman. I hadn't told him I was coming. I made a mistake. I should have gone there with someone else, but I was alone. Well, she said, "He's not here." I said, "Where is he?" She said, "He's dead." I said, "What do you mean, dead?" Well, it turned out that a few weeks before during a period when there was a lot of publicity about this and we called the person "Whiteman," Blackman who worked for an auto dealer had taken a car at noon, gone back into one of the canyons in the mountains behind San Diego, and put a shotgun to his body and blew himself out of this world.

Well, I thought, that's the end of it. He not only killed himself but there was no way I could now prove Buck's innocence. I had permission to give him immunity

if he would talk. I had to prove Buck innocent. It wasn't enough to say that if he were tried again he would be found innocent. I was discouraged about this. I thought this was the end of it. I then drove up the

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coast and I met with Officer Doran, who told me everything that had happened in the same way that he had said it before. He was certain of himself. He was a very intelligent fellow. He didn't have a big pot belly. He was lean, and lithe and active and very believable. Buck and I together got the transcripts for some of the radio calls, not all of them, but some of them, especially the call by Franz saying "Your man is Sergeant Buck," after the call went out asking for Blackman. I had that on the transcripts. The transcripts unfortunately had been logged in late. I talked to the woman who was at the police station where they were logged in, who had been married to Officer Doran, a coincidence. She told me there was a man there who let the calls pile up and then logged them in late, so this was logged in at a later time and I couldn't prove complete innocence by the logs. The earliest I could prove by the logs that Buck was in Solana Beach was 12:40, which ultimately was sufficient.

Then I went up to Camp Pendleton and went to see their then prosecutor, and he welcomed me politely, because the Commandant of the Marine Corps' and headquarters had told him I was coming. We chatted for a bit, didn't say very much. It was late, six o'clock in the evening. But he gave me a pile of papers, fifty-five in all. I took the papers, went down the road, looked at the warehouse, looked at the baker's house where Franz had called in, saw the nursery road, went to the main gate, calculated the mileage on

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my odometer to see that it was correct, and went into Oceanside to the motel. There I started to look at the documents. At least forty of them were documents I had seen before, but there were a dozen to fifteen that I had not seen. They had been locked in a depository for thirteen years. This was 1965. The crime took place in '52. I had taken it on in '56. I looked at those documents, and I was delighted, because in my hands were documents written on the day of the crime in Franz's handwriting, which proved beyond any doubt that Buck was innocent.

The next day I went back to Camp Pendleton, talked to the prosecutor again. He was very nasty to me. "What are you trying to do," he said, "impugn the good name of the Marine Corps?" I said, "No, I'm trying to get justice." He said, "You should talk to Franz. He's the man who knows the most about the case." So I did. I found out that Franz was in Orange County, working for the court. He was a

bailiff. I went up to Santa Ana where the courthouse was, and tried to meet him. I went to see him at noon, and as I was walking in, apparently he was walking out. I saw three officers walk out. I went in and asked about him, and I was told, "You just passed him on the way out as you came in." So I followed them down the street. The three of them went to a restaurant. I thought, I'm not going to talk to him while the other two officers are with him. I waited until after the lunch hour and went back. Again I saw him on the steps of the court

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house. I told him who I was, and that I'd like to talk to him. He said, "I've been told not to talk about this case." I said, "I've just come from Camp Pendleton and the Major told me I should talk to you." "Well, I got a senator on my back," he said. "Get off my back!"

He said, "The trial's over, they ain't got no evidence against me." I said, "What about these papers I have with me?" and I read to him what was on the papers and showed him the papers. At that stage he got very excited and he ran down the steps, he ran up the street, he ran across the street. I followed him, saying "What about these papers? He came back down the other side of the street to a police van and tried to get in it to get away from me. But the door was locked and he fumbled with it, so there I was again confronting him. It was a stupid thing for me to do. You know, here was a policeman, and here I was. But anyway he was frightened and he ran, he literally ran from me. He finally got the door open, jumped into the van, and sped off.

I came back, gave the papers to Horsky on a Saturday, delivered them to him at the EOB [Executive Office Building] and was confident that Buck would be vindicated. Shortly after that, President [Johnson](#) called and told Mr. Douglas he had given Buck a pardon. Not just a normal pardon, but a pardon based on innocence, which was the first time it had been done in something like eighty-five years. Ultimately, Buck got back pay

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for thirteen years. He was promoted not only to warrant officer but to chief warrant officer. He had made the warrant officer promotion before his court martial, but they didn't give it to him because the court martial was pending. Now he was promoted to chief warrant officer, but he was too crippled at this stage by arthritis, to go back to active duty.

Now, I'm sure you want to know: what was the evidence? Well, several things. One piece was about the fifty dollar bill. There was in those documents the order

that sent him to the brig, and at the top of that order in the brig warden's hand writing was a dollar sign and the words fifty dollar bill, followed by its serial number. So it was quite clear from that that Buck was correct. He had given them a fifty dollar bill. He didn't ask for two twenties and two fives, he asked for his fifty dollar bill back. Not only that, but on one of a series of notes made by Franz on the day of the crime thirteen years before, were the words fifty dollar bill and the same number. So Franz knew that it was a fifty dollar bill and not two twenties and two fives and had lied about Buck asking for the fifty dollars back. The second thing I had was a bunch of notes made by Franz on the day of the crime with the name Blackman on them, and with Headquarters Battalion Locator written on them and the address of the Blackman, and a couple of other Blackmans as well. He had found the same Blackman I found. His notes gave Blackman's name, address, serial

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number, age, and some personal details about him the FBI gave us earlier. So when Franz said at the trial there were "no Blackmans", he in fact perjured himself several times. Those were the two major pieces of evidence which proved that what Buck had told us was correct, that Franz lied, and this exonerated Buck.

I must say, though, that this was a very difficult period. The hostility of the Navy JAG and the hostility of the Justice Department were unbelievable. If it were not for the First Amendment, and for the politicians help against the bureaucrat, Buck would never have been pardoned on the basis of innocence. At one stage when Buck turned down a pardon based on good conduct he said that he was determined, because of his children, that he must be vindicated, that he must get his good name back. When he was told by Senator Douglas over the phone that President Johnson had given him the pardon based on his innocence, he was then living in Seattle, I asked his wife later what they did. Did they go out and celebrate? She said "No, we didn't celebrate. He went to bed and he slept for almost twenty-four hours. A great burden had been lifted from him." I've lost track of him now, but as I knew him later on I think that in a sense he lost his purpose in life. He had been so wound up in vindicating himself after thirteen years, that when he finally made it, he didn't have the same sense of purpose that he had before. But that is the story of Sergeant Buck.

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One point I forgot. One of the notes in Franz's handwriting noted that the "Sgt. runs tailor shop," which is exactly where chevrons were needed. Further, Franz's notes refer to a "stir it cup." Blackman ran a cafe in Oceanside called the "Coffee Cup." This was further proof Franz found a Blackman on the day of the crime.

I've always said that while I don't think what I did would get me into heaven, I thought it might keep me out of hell, although I don't hold traditional views about either of them. It was an example of all the things that I've mentioned about the Code, about bureaucracy, and the way in which the politicians in this country can go to bat for an aggrieved person in a way that would not be done elsewhere. My British parliamentary friends could not have accomplished this against the Home Office in a way that we did. It was the two politicians, Douglas and Johnson, who were responsible for his pardon.

Ritchie: Even after Johnson pardoned him, didn't the bureaucracy resist you?

Shuman: Yes, one other thing happened. The Navy refused to pay him. He had a lot of money coming for back pay, eighty or ninety thousand dollars. The Navy refused to pay him on grounds that when he got the general discharge he had signed a piece of paper that he had received all the back money coming to him.

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Well, he had received the back money that was due him on those grounds, but he certainly hadn't received the eighty-five thousand dollars. So they said it was illegal to give him the additional back pay and they refused to pay him, even after the President had pardoned him. Outrageous! What we did was to get the General Accounting Office, and the Comptroller General, Elmer Staats to review it. We also called in [Paul] Nitze, who was then Secretary of the Navy. Together, Nitze as Secretary and Elmer Staats as Comptroller General agreed that he would be paid, and the Navy did pay him. But even after the President pardoned him the Navy didn't want to pay him. They were vindictive.

Ritchie: Why do you think so?

Shuman: Well, because they'd been wrong and they refused to admit they were wrong. They had written reams of paper against Buck. The Navy Judge Advocate General, Chester Ward, an admiral who later was famous as a right wing ideologue, had written a twenty-three page paper, taking up most of the issues, which asserted that we were wrong about every one of them.

Ritchie: It's an interesting case here, because you pulled in just about every political figure: a senator, the President of the United States, the Secretary of the Navy, the Comptroller General, and yet the bureaucracy still reactive negatively.

Shuman: Yes, overwhelmingly.

Ritchie: Did that give you some pause about the whole sense of government, and what government does?

Shuman: Well, it certainly gave me a view of bureaucracy, which I had suspected but experienced only to a limited extent before. I thought some negative things about the bureaucracy, but not to that degree. I had never met the resistance before that I met from them in this case. I began to understand why the French revolted against Louis the XIV, Calvin opposed the Pope, and Cromwell revolted against Charles the I. The pity is that some of them were as arbitrary as those they displaced.

Ritchie: But most citizens don't get that much support against the bureaucracy.

Shuman: No, they don't. They get a lot of support, but they don't get that much support. I mean, we could have given up on it many, many, many times. Think of all the times when we could have quit. Buck was probably the big reason we didn't quit. He was so persistent, so determined, and as I said, when I checked him out, he was right. As I got into the case, Mr. Douglas kept saying to me: "Focus on the time element. That is the key to it." And it really was the key to it. But the Navy JAG and the Justice Department paid no attention to that.

Intellectually, I was certain that Buck was innocent. But there was one thing I did after I saw those papers at Oceanside.

I went back to Camp Pendleton on a Sunday, after I had been there on Thursday or Friday and had found the papers and challenged Franz. I went back, and on a Sunday at noon I drove the stretch of road from Camp Pendleton to the center of Solana Beach. I didn't drive, then, the seven miles from the warehouse to the main gate. I started out at the main gate and I drove as fast as I could into Oceanside, and I drove down to Solana Beach. Now, this was at a time when a new interstate highway had been built. I drove the old highway, 101, the three-lane highway. Because it was a Sunday and because of the new highway there was far less traffic than there would have been on that old highway on a Friday. It took me twenty-five or twenty-six minutes to drive it, going as fast as I could. So I knew we could prove Buck was there before 12:40, we knew that the thief was at the gate about 12:20, so there was no way the thief could have been Buck. But it was important to me to know that physically he couldn't have done it, as well as to know that intellectually he couldn't have done it, based on all of the evidence

we had. And of course Officer Doran testified he picked up Buck at 12:15 to 12:20 and before 12:30.

Ritchie: It also seems odd to me that Senator Douglas was such a great defender of the Marine Corps, and here he's encouraging one of his staff people to spend years on a case that doesn't make the Marines look very good.

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Shuman: I'll tell you why that happened, I think. Certainly he believed in the Marine Corps. He saved the Marine Corps. He stuck with the case because Buck was a Marine. This was the fault of a few Marines at Camp Pendleton and the Navy JAG. In fact General Greene who was then the Commandant welcomed Buck and his wife back to the Marines and was very, very nice to them. The Commandant called him Marine. But two things happened, one to Mr. Douglas and one to me. He had been on some court martials in World War II. He was a little suspicious of defendants, because many quite obviously guilty said they were innocent, but he had also been on court martials where there was command control. And I had had an experience with that. When I was in the Navy I was on a court martial board at the end of the war -- World War II -- out in the boondocks at the Naval Ammunition Depot at Waikale Gulch, Oahu.

We had a group of sailors who after the war was over were celebrating. They broke into the Marine Corps Non-Commissioned Officers Club and stole some beer. They took a Navy truck from the base; they cut the wire fence leading out of the base into the cane fields; and they went off to the beach. They were there most of the night. They got a little drunk, and coming back the next morning they tipped over the truck. The commandant wanted to make an example of the leading sailor. He was court martialed. He was charged with breaking and entering. He was charged with stealing

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beer. He was charged with illegal use of government property, of wrecking the truck, of cutting the fence. The charges were voluminous, and I was on the court martial board and my roommate, a Navy lieutenant, was the prosecutor, and the commandant of the base called on him almost every day and put great pressure on him to get the sailor convicted and to make an example of him. What we did was to find him guilty, because he was guilty. At least technically he was guilty. We couldn't say he was innocent, but at that time we set the punishment, which the commanding officer could reduce but could not increase. He had had a very good record. He was a professional Navy fellow who had been in for six or eight years, and had never done anything wrong. So we put him on probation for six

months and we fined him a relatively small amount of money, and that was that. And the skipper was livid. My friend, the prosecutor, was not promoted to lieutenant commander because of it. I had that experience. It was in the back of my mind. I knew what could happen. I think these were among the reasons we both stuck with Buck.

Buck was stateless. The only reason he came to us was a) he was a Marine, so he came to Mr. Douglas because once a Marine always a Marine, and b) for just a year or two at a very early age he'd lived in Granite City, Illinois so we had some reason to say he was our constituent.

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Ritchie: That's probably the longest constituent file that was ever created!

Shuman: I think so. I have before me a book that I have written about it, which I have been unable to publish. It's been in my attic. Maybe some day I'll redo it. The problem with the book is that I know too much about the case, the detail is overwhelming. If I could redo it and write it in less than a hundred pages and distill it, it might be published. I knew what happened every minute from 1200 to 1300 that day. I worked it out. On the day of the crime I knew where all the key people were, for every minute, 12:00 o'clock, 12:10, Franz was here, the thief was here, Buck was here. It was a puzzle.

Ritchie: I have a feeling that if another Marine came into your office you probably would have run out the back door.

Shuman: I don't think I could do it again. It was a most intense emotional experience, and I don't think I could get myself up to do it again. I think I've done my duty.

Ritchie: And that you were able to bring it through to a positive end is the most amazing part about the whole story. It obviously doesn't happen very often with the government. Well, by contrasting something that was very successful with something that was very frustrating, I wanted to ask you about the commission that you and Senator Douglas worked on from 1967 to 1968, that

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President Johnson appointed on housing. I wondered if you could tell me what the objectives of that commission were, why it was appointed, and what you had hoped to accomplish?

Shuman: Well, in 1965 or '66, President Johnson had made a major speech, I think at Syracuse, giving his plan for the cities, his urban speech. What happens when a president wants to propose a program is that he can think of four things to do but he can't think of a fifth thing, so he says he'll set up a commission to examine the problem. So we've had a proliferation of commissions. Occasionally they're very, very useful. The commission that [Ronald] Reagan and Congress set up on Social Security did a marvelous job. Occasionally they are very useful such as in the Warren Commission and very necessary. But most of the commissions are established, I think, as an afterthought to make a fifth point. I remember back in '69, which was the first time any group in the Senate took on the Pentagon on weapons systems as opposed to procurement. When that happened a group of about twenty senators and staff would go to the floor, and we were routinely defeated on trying to knock out this system or question that one. We ended up one day proposing an amendment to set up a commission, because we wanted something we could win on. I think we did set up a commission. It was a last resort.

Commissions are set up for a variety of reasons: to push things under the rug, as a fifth point in a presidential speech,

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to be able to say I'm doing something, often to postpone an issue, hoping that a hot issue will go away, and people can say as they did about our commission," Well, we'll wait until the commission reports before we take any action." For many of those reasons this presidential commission was proposed by Johnson. Almost immediately after Mr. Douglas was defeated we got back to Washington and Joe Califano from the White House came to Mr. Douglas and proposed that he head the commission. I wasn't there, but Mr. Douglas called me in and told me about it.

I looked up the law, and I found out that instead of a commission under the president as had been proposed, the legislation directed that it would be a committee under the direction of the Secretary of HUD. HUD had rewritten the language after the President's speech and message. It proposed a year-long study and \$1.5 million. I said to him, "I think it would be a mistake if you took this, because you wouldn't have any freedom of action as a committee under HUD. You've got to get it established from the President that you are head of a commission under the president, under his jurisdiction, and that you are free to go wherever the evidence leads you. He agreed with that, so he sent me down to negotiate with Larry Levinson and Bob Wood. Levinson was in the White House. Wood was Under Secretary. They were quite receptive: they said "That's right, we should do that." They were open-minded about it. Furthermore the law had stated some

relatively narrow things. It had talked about urban problems in general, but it didn't talk very much about housing. It talked specifically about building codes, housing codes, and zoning, and development standards, and local taxes. We insisted that housing and how to get an abundance of low-cost housing would be the central theme and that these other elements, which were vital to housing, were also part of our study, but the central theme was how to get an abundance of housing for poor people in the country.

The White House agreed, and we wrote a release saying this. I drafted it with the Presidential speech writers in the tank over at the Executive Office Building (EOB). We got everybody to sign off on it, and waited. This was in November. We waited and waited and waited, thinking they were going to announce it early on in December. Finally, Mr. Douglas left. He'd been through a very strenuous campaign, so over the Christmas period he went to the Caribbean, and I stayed in Washington. One day, Secretary [Robert] Weaver called me and asked me to come to his office. We talked about the commission, but then he told me, "Go home, go home, don't show your face around here. I don't want anything to do with the Commission until it is announced. No one must know anything about it." The appointment of it under Johnson was very secretive. If someone leaked who was going to be appointed a judge, Johnson would withdraw the nomination. So Weaver was afraid of that. I thought at the time that he was the most

insecure person I had ever dealt with, absolutely insecure. I found out later that what happened was he had taken a tongue lashing from the President over testimony that he had given on the Hill. He was afraid that knowledge of the commission would come before the announcement, and if I showed my face around and started talking to people it would get into the papers and the commission would fall through the cracks.

Well, we finally were established, but the announcement was made I think about the tenth of January. It was made on a Friday afternoon at five o'clock, along with a bunch of other announcements of minor appointments. Almost no word was written about us, there was almost nothing in the papers about it. If you know anything about press releases, five o'clock on Friday afternoon is the worst time for the release of anything. There was no Oval Office presentation or send off. So I had to decide what we were going to do, and I couldn't get in touch with Mr. Douglas. I called his son, John, who was close to him, and said here's what happened, what should we do? Should we go through with it, or should we say the heck with it? They had rewritten the release in such a way that they did give

us authority over housing, and they also said that we would work with but not under the Secretary of HUD. So after conferring with John I decided to go ahead.

Mr. Douglas insisted that we should have a woman member of the commission, as a condition of his acceptance because they

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were going to appoint all white males. He insisted on a woman, a black, and he wanted a couple of academics, which he got. He thought the academics would level the results a bit. We had a lot of practical people, housing people, developers, architects, but he wanted someone who might level their views. So we got that agreed to.

We started off and first of all HUD tried to control our money. We fought them and we won. We were determined they weren't going to control that. Then they insisted on having one of their people at every one of our meetings. I often referred to him as the spy. We said no, you do not have a right to do that, but we may invite him. So we invited someone each time we met. We made it quite certain that he was there by our grace and sufferance. But everything we did, every criticism we made about HUD, got reported back immediately.

It takes time to get a commission established, to get a staff and establish a program. Mr. Douglas said we had a superb staff: half of it was superbly good and half of it was superbly bad. And I can tell you that the superbly bad part of the staff, one half, were the staff that we got from the agencies. The agencies wouldn't let us have their good people. They sent us people they wanted to get rid of for a year or two. We got the commission extended to two years, because by the time we got started late in January we couldn't possibly have finished in a year. But we did

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not ask for any additional money, so the Congress agreed to two years. We got the law changed, Mr. Douglas went up to the Banking Committee where he had been a member, and promised them faithfully that he'd finish it on time and we wouldn't spend any more money, but that we got a late start and needed the extra time.

It takes time to get a staff together and it takes time to get organized, so he thought it was very important that we should hold hearings while this was going on. We did hold hearings, mostly in the summer of '67, but also through '68 in twenty-two cities of the country. At each hearing we had a different subject

matter. In New Haven it was urban renewal, because New Haven got more money for urban renewal per capita than any city in the country. In Boston it was redlining. In Pittsburgh we did a study on taxation, because they had a form of land tax which was different than anyone else's. The schools were financed not by the property tax but by a land tax, a single tax. It was shades of Henry George.

We would meet not in the court houses or in the city hall, but we'd meet in the local communities, in the ghettos. We went to schools, and churches, and community centers and places of that kind. It was an extraordinarily interesting experience, and it was done mainly during the summer of the riots. There were riots all over the country. We first were not going to go to Cleveland because Cleveland had a mayor we thought would use us to provoke

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a riot, so we went to Detroit, where there was a good mayor, and good unions, and the motor companies had been very good on race relations, housing, and so on, and we thought there wouldn't be a riot. Of course, what happened was that Detroit had a riot and Cleveland didn't. How do you explain that? I don't know.

As we traveled over the country we found a lot of things. We found that almost no housing for the poor was being built. Mr. Douglas had helped write the original housing act in '49 -- well, not helped write, he did write it. He led an expedition of senators down to the Southwest of Washington at the front gate of Fort McNair, which was then almost the biggest slum in the country. The new Southwest has been built in its place, and there was a lot of interest in urban renewal and public housing as a result. Congress in the 1949 Act combined urban renewal with the authorization of 600,000 units of public housing. One of the things we found in '67 was that in all the years since the '49 act the number of housing units that were to have been built in six years had not been built in almost twenty years. Incredible!

The poor people had been pushed out. They'd bulldozed the Southwest and other places, but they didn't provide any housing for the people pushed out to go to. This was universal. We got to New Haven, thinking this was the citadel of urban renewal. I remember saying we were bringing the mountain to Mohammed because the mayor was so well known for urban renewal. But at the noon

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hour that day we found that our hearing site had been surrounded by the local police, who feared a riot. At every hearing we welcomed public witnesses to come in who weren't on the official witness list. We ordered our witnesses. We had to

have the mayor, the city planners, and the housing people, and the housing organizations, and the builders, as witnesses. But we also always made room for any public citizen who wanted to testify. And we sought out citizen groups to do so. At the end of the mayor's testimony that day, some local people were outraged. They lived on the Hill. We thought we were going to have a riot there, that we might start it, and we softened the situation and may have prevented a riot by going with them over the noon hour to see what they wanted us to see. They showed where they had been pushed out and new Yale faculty housing had been built, upper middle class housing, and there they were in the slums on top of the Hill, and they were furious about it. This was repeated, time and again.

Obviously we got a lot of attention because of Mr. Douglas. When we went to New York, and New Haven, and Boston, he was on the evening television, and occasionally on the national television. And of course we were critical. We found in one instance, under one of the new housing programs, that HUD counted a building in which there were four subsidized units along with ninety-six nonsubsidized units, as a hundred units under the program, when in fact only four were for poor people. We exposed this. We had the

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most difficult time getting any specific figures from HUD. They dragged their feet. I'd ask them for figures about how many units had been built, and they'd delay and delay. We held meetings, argued about the definitions and got no results. Incredible.

What happened to us was that HUD undermined us at the White House. They claimed that our commission was racked with discontent, that members didn't agree with the chairman, and on, and on, and on. Meanwhile we held public hearings and, seventy meetings in all of the commission. The attendance of our sixteen members was excellent. Almost always twelve or thirteen came. Only one member didn't come. All the others were very, very faithful. They had a common experience, and they could see, feel, and touch what was going on. We were in the ghettos, we marched the streets and we preceded the riots, and we followed the riots in that stormy summer of 1967. What an experience!

I had the feeling after coming out of East St. Louis that God had abandoned East St. Louis. I mean, East St. Louis with the stockyards, and the chemical plants, and north of the city the steel mills, was forsaken by the deity. Those who owned the steel mills lived on the west side of St. Louis, because the prevailing winds are from west to east. So all the smog and effluent from St. Louis fell on East St. Louis. There was a chemical plant in the latter. It was a Monsanto Chemical Plant. There were houses next to it. The conditions surrounding those

houses, if they had been in a factory, would have caused the state to close down the factory because the chemical fumes were so bad. There was Granite City, Illinois, where the workers lived. It was a company town. The Granite City Steel Company paid no taxes to speak of. The company didn't pay any more taxes than a single working man did for his home. The company threatened to leave town if their taxes were raised. Well, we looked at these conditions because we were authorized to look at taxes and housing and so on. But I remember feeling after East St. Louis about as I felt after leaving Berlin, when I really got ill to my stomach every time I saw a wall. For several weeks, the experience of seeing East St. Louis at close hand made me almost ill to think about it. It was awful. They were forsaken.

The White House got very angry with us for saying things that were critical of HUD, even though they were true. When the commission finished we wrote a report. We got rave reviews from the writer of the "Easy Chair" in *Harper's*, who said it was the greatest report since the Constitution and the Federalist Papers, which was an exaggeration. But it was a very good report, and it was a unanimous report, and I wrote about two-thirds of it. Mr. Douglas tried to get the President to receive the report before we quit on December 31. For a month, we kept calling Joe Califano to arrange it. And Joe Califano wasn't in. When we'd call, they'd say, "He's home." When we'd call him at home they'd say, "He's in

the shower." He was either at home or in the shower for more than a month. Finally, in December, Mr. Douglas did go to see him, and Joe Califano kept Mr. Douglas sitting outside of his office for more than an hour after the time for the appointment. I later told [Hubert Humphrey](#) this, and he told me, "That happened to me." He said, "When I was Vice President, Califano did the same thing to me." Probably at the President's insistence. But he said, "As Vice President, I waited outside of his office for more than an hour on many occasions." I was outraged at that. I was outraged at what happened to Mr. Douglas, but even more outraged at what happened to Hubert, because he was the Vice President. Mr. Douglas was then an ex-Senator. Califano was an example of a power hungry young man too much in a hurry and too big for his britches. I am waiting for the day when he apologizes for his actions.

Mr. Douglas wanted to present the report to the President, and to have our people thanked, because they'd done a terrific job. Well, Califano first asked him if the report was unanimous. Mr. Douglas said yes, and Joe was utterly amazed, because he'd been getting stories from Weaver and Wood, who turned on us, that

we were split and couldn't get together. There was a lot of argument and differences of opinion, but Mr. Douglas promoted that. We promoted debate and tried to find some ground that we could agree on, and in most cases we did, and when we couldn't

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then the people could footnote their views. We had no minority view to the report, we just had footnotes occasionally where people differed. Califano was amazed at this, and then Mr. Douglas again asked to have the President receive us, and Califano said no. He said, "You should present this to [Nixon](#)," who had then been elected. Well, our report date was December 31. Nixon wasn't President until January 20, and Mr. Douglas said "No, I am not going to give this report to a non-President. He's not the government." So we told Califano we were going to release it on the 15th, I believe, of December." "No, you musn't do that," he said. Mr. Douglas said, "That is what I am going to do, and we are going to do it, period."

What I did, in fear the White House would try to suppress us or censor us, was to mimeograph several hundred copies, and got early copies into the hands of the *New York Times*, and the *Post*, and the wire services, with the December 15 release date on it, so there was no way we could be suppressed. Then we held the press conference I think on Friday for a Sunday release. It was a big, big press conference. People brought shopping bags to carry away the report. We not only filed the report, but we had organized forty study papers as well as five volumes of hearings. We ultimately published twenty of those papers after the commission went out of existence. The quality of about thirty of the forty papers was quite good, and publishable. The quality of ten of

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them were simply awful. We found that the less we paid for a report the better it was. If we got a slick outfit to do it, it was balderdash. But if we picked the expert, as we did on population -- a professor at the University of Chicago who was a world expert on it -- we got a great paper. That cost us two or three thousand dollars as opposed to think tanks asking fifty or a hundred thousand. So we didn't commission many expensive papers. I think we spent three hundred thousand all together for all forty studies.

The White House knew that our report was going to be released on Sunday. Their press people did their best to knock us off the front page by leaking a secret report on housing. It later turned out that report didn't exist. There was no such report. It never saw the light of day. And they had Johnson give a speech on

Saturday in Texas on housing, which was quoted in the papers. But we nonetheless made the front pages of most of the papers in the country. Then HUD was supposed to send our report to Congress, and we found out that Bob Wood had only sent the narrow stuff on taxes, on building codes and housing codes, and development standards, to the Congress. So I took the total, the whole report to the [President of the Senate](#), and to the Speaker of the House, and got that report printed by the Congress as the report that our commission adopted. But even at this stage, HUD was trying to do us in. It was a remarkable experience.

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It was one of the most difficult experiences I've ever had. Those two years were not hell on earth, there are a lot of things worse, but they were very, very uncomfortable years, largely because our criticism of HUD on housing, the lack of housing when urban renewal was done, and on the slowness of urban renewal provoked their hostility. We found out that thirty-seven percent of urban renewal projects took more than nine years. Some of them were still not finished after fifteen years.

But it was a truthful report. It was an honest report. The only thing a commission can do, as it is not a legislative body, nor an administrative body and has no power, except the power of the word, is to report truthfully. The power of the word, the informing function, can be a very powerful thing, as HUD and Johnson knew, because they were so opposed to it.

Ritchie: Do you think that after the commission handed in its report it had any influence over the Nixon administration or over the Congress?

Shuman: It did. Of course, Nixon ended up with a housing moratorium, absolutely doing away with the housing programs. That action became part of the impeachment proceedings, and was even one of the clauses that the House Judiciary Committee proposed -- it wasn't passed -- as an article of impeachment.

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Yes, I checked it out over the years, about what happened to our recommendations, and it was amazing how over time so many of the recommendations were accepted. Furthermore, I worked with [Proxmire](#) right after that, and he was chairman of the [Banking, Housing, and Urban Affairs] Committee, or near the top much of the time, and I made certain that our key recommendations got into the housing bills when they were a federal matter. So there was a way to get the recommendations translated into law.

Ritchie: What's the difference between what a commission can do and what a Senate committee can do in terms of oversight? Is a commission somehow different than regular Congressional oversight?

Shuman: I think a commission can be freer. I'll give you an example. There is a permanent commission here in Washington, little known, it has to do with all levels of government, federal, state and local: the Commission on Intergovernmental Relations. It does superlative work. That commission has on it some governors, some mayors, and some senators. Its staff director told me one time -- I was asking this same question -- that some of his senators, who for political reasons in their state would vote one way on their Senate committees, maybe very conservative, took a much broader view when they were acting as members of the commission. They looked at it as if to say: what's the right thing to do? They were in a sense emancipated from the narrow political forces of their states when acting as a member of the commission.

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The same person reacted differently on the same subject at two different places. In that sense a commission can do a lot.

I think they can rise above narrow parochial views and try to say: here's what ought to be done. Now, if you politicians can get that done, fine. But here's what we think you ought to do. So yes, I think a commission can have importance. That was true of our commission. The members took the job very, very seriously.

Ritchie: Do you think perhaps they took it more seriously than Johnson expected them to?

Shuman: Yes.

Ritchie: In other words, do you think that Johnson wanted a real commission, or was he just appointing this to get a difficult issue off his back?

Shuman: I have several views about that. Number one, I think the proposal for the commission was put in the speech by the speech writers as a fifth point for their urban agenda. Number two, I don't think Johnson had any idea that the programs were going as poorly as they were. I think he had been misled by the HUD bureaucracy. Number three, he was of course very unhappy about any criticism of any kind. He was almost paranoid about criticism. So I think that he was unhappy with what we said. Number four, I think that on reflection, if he looked at it

subsequently, he would have agreed with virtually everything we said, because he really was very much in favor of housing, and housing for poor people. It was the one area where he and Mr. Douglas, when they clashed in the Senate, actually agreed, where Johnson actually did put through some good housing bills. Perhaps it was because John Sparkman was in charge of housing, but Johnson believed in it. We told him, at least by letter, Mr. Douglas did, that this was the kind of report that he really would like. Mr. Douglas told that to Califano. He said, "This is exactly what the President, given his background, would go for. You ought to tell him the truth about it."

Ritchie: It's sort of a commonplace in Washington to call HUD a dud.

Shuman: We called it dud. That was coined by us.

Ritchie: Well, now that's a very popular way of describing the department.

Shuman: I coined it and used it in Proxmire's releases in '69. And we also called them the Department of "No" Housing and Urban Development, which was true.

Ritchie: What is it about HUD? That Department was the creation of the Kennedy-Johnson administrations, to solve some

of the problems of housing and urban affairs, and everyone seems unanimous that it's one of the weakest of the cabinet departments.

Shuman: Well, for years and years they weren't a department, so they didn't have the clout. They had trouble keeping a good staff. They were an independent agency for a long time before they finally became a department. The one method of building housing that was the least expensive and the most efficient was public housing, but there was great opposition to public housing from neighborhoods, from the Chamber of Commerce, from the business community, to some considerable degree for racial reasons. But as a method of building housing it was the cheapest and best way to do it, because it was built with local bonds, which were tax free. I visited a variety of public housing in the country, and in some, like Milwaukee, it was extraordinarily good. We saw in '67 and '68 public housing that was built in the Depression that was still very substantial and doing very well. Where there was good management, it worked.

They got into trouble when they built the highrises. Do you know why there are highrises? It's silly, because you can go into a small town in Iowa, where there is public housing and it is a highrise building. First of all it is housing for the elderly. HUD couldn't build an abundance of public housing for families with kids because of the social consequences, but they could build public housing for the elderly, because the elderly don't stir up

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any problems. One of the things we found was that far more than half the new public housing was housing for the elderly. While that was useful, the problems were with the large poor families, not with the elderly, to the degree that housing was built for the latter. We'd find two high rise buildings in the small towns: one was the local grain elevator, and the second was the public housing. Now, the reason for building highrise public housing in New York, or Chicago, was land cost. Land was very expensive, so they built high. It was an awful place for kids to live. But there was no reason at all for highrise public housing in a small town in Iowa, because land costs there were cheap. The Agency could go to the edge of town and buy an acre of land for five or eight hundred dollars and build all the housing that was needed. It was very inexpensive. But highrises were built in small towns.

The reason it was done this way was because HUD was loaded with people who were out of the original New York bureaucracy, of whom Secretary Weaver was one. They had always built public housing high, and they had forms and plans. So the housers would build highrise public housing in East Whistlestop, Illinois, a town of two hundred and fifty people. It was ridiculous, but it was done because the architects and the planners had never thought about the basic purpose, and because most of the housing bureaucrats had come out of the New York Housing Authority, which was one of the earlier and better ones. But they couldn't overcome

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their provincialism on this issue. This provincialism on the part of the housing establishment and the tunnel vision of the architects and planners was the reason for highrise public housing in Middletown, Iowa and East Whistlestop, Illinois.

Ritchie: How would you assess Robert Weaver? You had such hard times with him. What was Weaver's problem, and why was he not as effective as he should have been?

Shuman: Well, Mr. Weaver was the first Black ever appointed to a Cabinet office. He had come up through the bureaucracy, both the New York housing bureaucracy, and the Washington bureaucracy. He was a very intelligent man, and I think he was a very good man. One of our real disappointments about him went back to his confirmation. He had a lot of trouble, because those who didn't want a Black man in at the time tried to find things in his backgrounds which might keep him out. There were a few minor peccadilloes, which had nothing to do with his honesty, or his integrity, or anything of the sort, but had to do with organizations he was in in the thirties. It was very minor, but his enemies tried to make a lot out of that. Mr. Douglas was very disappointed in what happened to us later, because he had gone to the mat to defend Weaver when he had come up for Secretary of HUD. He led the fight for Weaver.

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But I think that like so many things, who gets the credit and so on, the relatively noncontroversial establishment-type is the person who is selected to be the first of this or that. It isn't the radical or pioneer person who is selected. So with his background as a housing expert and as a bureaucrat and the first Black as well, and a very distinguished man, he was picked. But he had never been all that controversial on housing issues, and certainly when he was head of HUD he wasn't controversial in terms of policy. Perhaps that was the way he should have played it. He was out there as the first Black to head a Department, and I'm sure he thought that he ought to do as good a job as he could in the eyes of the organization and the establishment. He was an organization man.

One thing I was going to also say: why was it that urban renewal was so popular, considering what it did to the Blacks, and public housing was so unpopular? Well, mayors like to do development. They like to do it with the central city business community, and with the Chamber of Commerce. So senators got tremendous pressures from all over the country, and especially from the mayors and the governors, not to build public housing for poor people, but to use the subsidized funds, UDAG, urban renewal, massive amounts of public money, for the political forces that are dominant in the community. That meant building the new Southwest, and building UDAG projects and development projects. The power

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structure didn't want to build housing for poor people and lots of Black kids. That's a critical point, and HUD was really the agent of the power structure. Now, there were many people in HUD who had a broader view, but basically that was the case. The urban renewal side of the bureaucracy took over from the housing for the poor side of the bureaucracy.

Ritchie: Do you think that the Congress did an adequate job of pursuing this? They passed the legislation, they passed the housing acts, but did they really press HUD to carry them out?

Shuman: Well, a lot of senators came into the housing mark-ups with pet amendments for urban renewal projects here, there or elsewhere. I remember the University of Chicago one time had an urban renewal project which was for upper middle class faculty housing. They had done some things like providing parking lots as their contribution. That didn't count under the law as a local contribution, but they came in to pressure us to get an amendment that some of the things they had done which didn't count would count. This happened all over the country. Every senator had a bunch of amendments to say that some local contribution should count which was an exception to the law.

There was an instance in Milwaukee, it was about a UDAG project or an urban renewal project, where the local post office had been built with federal funds. It was in a federal building.

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There was a big effort for Milwaukee to be allowed to count that as a local contribution in terms of the ten or fifteen percent that the local community had to put up as local funds to match the government's eighty or ninety percent of the money. So these things were constantly being done by individual amendments to the act. I remember Pat Robertson's father, [Willis Robertson](#), had a whole bundle of them one time. He was utterly opposed to the program, but he had all these amendments to benefit Virginia. That was very common. The program was corrupted, I don't mean to say in a money way, but it was corrupted in its intent.

When the housing bill was passed in '49, Mr. Douglas and [Robert Taft](#) were the two big authors of the bill. Taft was for public housing. They saw urban renewal and public housing marching together like two animals onto Noah's ark. One was necessary for the other. If you were going to knock down the slums, then you had to provide a place for the dispossessed. The number of units for public housing were associated with the urban renewal program. But that never happened, because HUD didn't build the public housing.

Ritchie: Because there was more political support for other development than public housing?

Shuman: Yes, the political pressure was for urban renewal, and for the builders and the developers, not for the poor people.

That's one of the great problems that our society faces, both in this area and in other areas. When we were involved in the fight over the 160 acre limitation in the Western states, whose purpose it is to allow people to have enough land that they can have a homestead farm that would be privately owned, the same problem prevailed. Water would be put on their land, which was very cheap without water, but when water came on it, it would become very productive. The land was gobbled up by the large corporate farms. The problem in breaking them up was that the existing political pressures are much stronger than future political pressures. You can't do things for the next generation. People always say they're doing this for the next generation, but politically you do it for the forces which exist now. Existing forces are much more powerful than future non-existing forces, and the powerful existing forces win out.

Ritchie: So a good politician has got to take that into account.

Shuman: He should be aware of it, yes. I think even in the housing area it was the intention of Congress to do more than the bureaucracy did. In other words, with all its faults, I think the general intent of the legislation was to a very considerable degree watered down by the forces of the bureaucracy. That is not to say that Congress wasn't at fault. Generally people blame everything that goes wrong on Congress. I would say in this case

that seventy percent of the fault was the bureaucracy's -- local as well as federal -- and thirty percent was the fault of Congress. But it was Congress' intention, certainly both Taft and Douglas when that bill went through, that 600,000 housing units for the poor were to be built to accompany urban renewal.

Ritchie: That was the story of Lyndon Johnson: having come out of the Congress he seemed more aware of how you pass legislation, but I'm not sure he was aware of how you administer it, and carry it out. His administration was frustrated in a number of areas where passing the law wasn't enough.

Shuman: I used to say there were five political parties in this country, not two. There were the liberal Democrats and the Dixiecrats, and there were the bulk of the conservative Republicans and a few progressive Teddy Roosevelt Republicans. And there was the fifth political party which was the bureaucracy. It dominated the other four.

Ritchie: Certainly in both the cases we talked about today, the bureaucracy was a powerful instrument, and it took a lot of pressure to get it to respond.

Shuman: And you see it more and more now as the executive branch is insisting that it is supreme in the War Powers area. The executive is not omnipotent in the area of foreign policy. There's an outrageous statement today from the State Department

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that the executive branch is entirely responsible for interpreting treaties, and Congress doesn't have anything to do with it. This is a plebiscitary view, that once someone is elected he can do anything he wants, and the bureaucracy loves to go along with that view. It's in their interest to go along with it.

Ritchie: Why don't we conclude on that note, and then next time talk about the years when you worked for Senator Proxmire?

Shuman: Let's do that, but let me just say here that three times I was offered a job by Proxmire. In 1960, when Mr. Douglas was reelected, Proxmire asked me to become his AA. I turned him down because Mr. Douglas had told me that if he won the election and Kennedy was elected he was going to try to send Frank McCulloch to the National Labor Relations Board, and if that happened he wanted me to be his AA at the full salary. I wanted to stay with Mr. Douglas, so I turned down Proxmire right after the election in 1960.

Then in 1966, when Mr. Douglas was defeated, I was asked again. Almost immediately after the election Proxmire called me and asked me to be staff director of the Joint Economic Committee. He was going to be the new chairman. I thought about it, but before I turned him down, and I had determined to turn him down, Mr. Douglas offered me the staff directorship of the Douglas Commission. So I was not without a job. But I had made up my mind

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to turn it down for a reason. The fellow who was the staff director had agreed that if Mr. Douglas were defeated, and I had talked to him in detail about this, that some of our routine staff could go to the committee in clerical and other jobs, not professional jobs, but we had about eighteen people in the office and they would need jobs, and we saw the writing on the wall and I was trying to place them. He agreed to take a few. Well, I felt that having had this agreement with him that it really would be a bad show if I took his job. Now I don't think that was correct. I think now that every chairman has a right to have the staff director he wants and

that it wouldn't have been improper. But I had a twinge of conscience about that and was prepared to turn it down. I've now been told by a couple of other people that they were asked to be staff director one of whom thinks that he was the only one asked. I never told him I was asked, and I was asked, I'm sure, before he was asked. He might not take that very kindly.

The third time was near the end of the Douglas commission, when I went up to the Hill. This must have been in December of '68. I was anxious to give the Douglas Commission report to Proxmire and other senators who were on the Banking, Housing and Urban Affairs Committee. I met him at a hearing and he asked me to walk back to the office with him, and he offered me a job a third time, and that time I took it. So it had a gestation period of almost a decade.

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Ritchie: Well, why don't we start then at that point.

Shuman: Fine. We won't have to start out with that explanation.

End of Interview #7

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Interview #8: Proxmire and the Golden Fleece

(October 1, 1987)

Interviewed by Donald A. Ritchie

Ritchie: We were at the point when you left Senator [Douglas](#)' staff. Could you draw some conclusions about his character?

Shuman: I'd like to say a few things. First of all, he had the greatest combination of massive intelligence and strength of personal character of anyone I've ever known. You often find a very intelligent person who may be a good person but without great strength of character. And you often find people of great strength of character who are not necessarily people of huge intelligence. His was a unique combination.

I remember being with him in Switzerland one time when he was with a group of Swiss reporters. He recalled the history of their cantons back to the thirteenth century. On that same trip we went to Bruges, where he sought out the Michaelangelo statue of the Bruges Madonna. We searched it out in this small church. That was the same period that he spoke in German to the people at the Berlin Wall. He had swatted up at one time or another in his life almost every subject. He knew Italian art. He knew economics and made a massive

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contribution to economics, especially in the Cobb-Douglas function. He had read in detail the history of the Constitution, knew what the founding fathers had said and thought,

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the intricacies of the Constitutional Convention, the history of the United States. He knew more about Supreme Court decisions than almost any lawyer I've ever known. I asked him one time about this, and he told me that he deliberately took time in the summers and at other stages in his life when he took a subject and just made an effort to learn the organized knowledge in that field, physics, and chemistry and the rest. So he had a massive intelligence, plus strength of character.

There were many anecdotes about his character. I mentioned how he would step out into the hall before his secretary would be allowed to say that he was out of the office. There was a lawyer who wanted to be a federal judge who sent him a check for about five thousand dollars. Mr. Douglas sent it back. The man wrote back and said there was no connection between his wanting to be a judge and the campaign contribution. Mr. Douglas sent it back again, saying: "I know that there may be no connection, but since other people may think so I'm returning it." He had the two dollars and fifty cent rule in the office: no gift could be accepted worth more than two dollars and fifty cents, except for a book. He would take a book worth more than that. But in all kinds of small ways he was an extraordinarily ethical person as well as a man of great intelligence.

We took a ride on his magic carpet, is the way we put it, which was true. I think those who worked for him probably

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experienced the greatest public moments in their lives. It was a unique situation! There will never be one quite like it.

There was one other quality about Senator Douglas which I wanted to mention, and that was the way in which his intellectual activity was very important at times to the political outcome. It happened many times, but I'll use only one example, and that was when he was in charge of holding the hearings and carrying the bill for the increase in the minimum wage when Eisenhower was president. Eisenhower had proposed a ninety cent minimum wage. The AFL-CIO wanted a dollar and a quarter. Most of the progressive, northern liberal Democrats had committed themselves to a dollar and a quarter, and the Republicans were under pressure to vote with the president for ninety cents. Mr. Douglas held very long,

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elaborate hearings, got all kinds of experts in, and had a special paper done by a skilled man from the Library of Congress. And in an extraordinarily intellectual way, he provided the evidence, and the justification, and the backing for a minimum wage of a dollar. He proved that was the proper economic level at which the minimum wage should be set. And as I've said, economics is not a science, it's an art. I don't want to claim that this was a scientific result, but it was as close to an intellectual result as one could get.

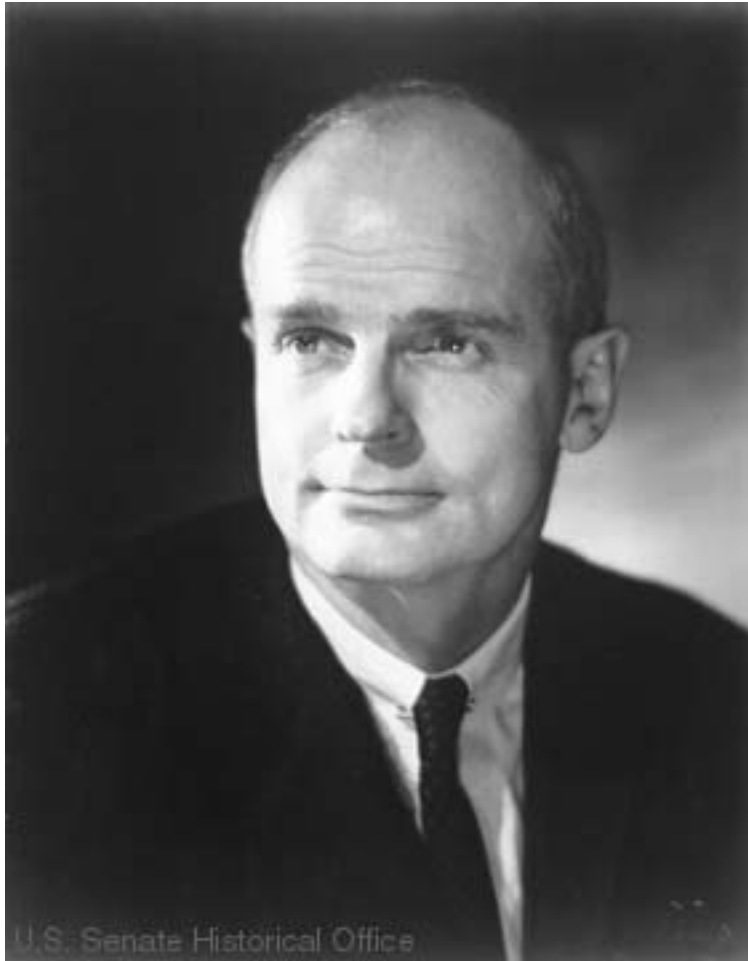
The bill went to the floor, he was managing it, and it went through on a voice vote, because there was no opposition for the

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dollar minimum wage. The Republicans didn't want to offend the AFL-CIO unnecessarily, but they didn't want to go for a dollar and a quarter, and they were very happy not to be put on the spot to vote for ninety cents. Most of the Democrats knew that a dollar and a quarter was too much, wasn't really right; it was part of the negotiating to begin with, so they were very happy to get off the hook. So the bill went through for a dollar minimum wage without any controversy whatsoever. It was an example of the kind of a thing that Mr. Douglas did. It was a good example of the right answer, the fundamental answer to the problem. It was also an example of what a good politician he was. In other words, his intellectual activity drove the final result.

He had the same success when he was an arbitrator in the printing industry. He was the arbitrator between the unions and the management, and I think there wasn't a single time when his decision was not accepted by both sides, just on the sheer quality of the intellectual activity, and the evidence, and the proof. That was a quality he had, which I want to emphasize. He did that, time and time and time again in various pieces of legislation in which he was involved.

Ritchie: How would you compare Senator Douglas to the second senator you worked for, [William Proxmire](#)?



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Shuman: They were alike in many ways, and they were different in many ways. I'll try to compare them and contrast them. They were both interested in roughly the same subject matter: economics, appropriations, funding, pork-barrel, taxes, the Joint Economic Committee. Both were chairmen of the Joint Economic Committee. Both were on the Banking Committee. Proxmire tried to get on the Finance Committee, and they did the same thing to him that they did to Mr. Douglas: they kept him off for five years, so finally he took a place on Appropriations. He really took from Mr. Douglas the phrase "A liberal need not be a wastrel," and practiced it. I think he did it for two reasons: one, he thought it was correct, and two, he thought it was very good politics for a Democrat. And both Senators were quite correct. I remember Mr. Douglas used to say, and Proxmire also -- Proxmire first said it -- that with respect to the military there were not hawks and doves, but as far as he was concerned there were fat hawks

and lean hawks, and he was a lean hawk. I think many people misunderstood him and thought he was a dove.



Senator William Proxmire (second from left at dais), at a hearing before the Joint Economic Committee. Seated next to Proxmire is Senator William Roth (R-DE).
To the far right is Senator J. William Fulbright (D-AR).
Senate Historical Office Photo

Their work habits were very different. For example, I was always Mr. Douglas' witness when anyone of any importance would come to the office. The Secretary of State, the Secretary of the Treasury, the Secretary of Defense, Chairman of the Federal Reserve Board, no matter who it was, I would be there as his witness. I think he wanted a witness because there were two or

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three times in his life when he'd been without a witness when he was afraid what took place might have ended his career. One was when he was an alderman in Chicago and customarily walked to the office. There was a man who befriended him and who would meet him every day on this four or five block walk and accompany him to his alderman office. Mr. Douglas was told later that this man was selling his influence, allegedly to influence Mr. Douglas. Mr. Douglas didn't have the slightest idea that this was true, and he was very lucky to find it out,

because his career might have been ruined. The man kept taking money on the side and had every appearance of influencing Mr. Douglas because he was walking with him. So I was his witness, or someone else was his witness, but mostly I was his witness.

Now, Proxmire didn't do it that way at all. He saw people one on one. I don't think it ever occurred to him that he needed a witness. If I needed to see Mr. Douglas I could walk in on him almost any time, and I did. So I spent a lot of time with him, almost like the buddy system in life guarding. Prox was quite different in that respect. In the morning, he came in usually at eight or eight thirty. He had breakfast in his office alone, and he did not want to be disturbed until about quarter of ten, just a few minutes before he went to his hearing. Then he was available right after the hearings. Then he was not really free until about three in the afternoon when he started to see people from

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the state or elsewhere. Then he was free again between five and six. But with Proxmire I was quite free to go home at six or six-thirty, close the door and go home. He would stay on his own. With Mr. Douglas, if the Senate were in session, someone, usually I, would stay with him -- sometimes all night long.

Mr. Douglas, I think, shared questions about what he should do with his staff to a greater degree. Senator Proxmire pretty much made up his mind on his own. Proxmire would ask, "How should I vote on this one?" And it was quite easy to say to him, "Well, this one is over the budget, so the vote is no." But with respect to some of the major decisions that he made, such as not running again, he didn't consult anyone, including his family; such as the time he gave almost a twenty-four hour speech in the Senate on the debt ceiling. He told us at five o'clock in the evening that he was going to make the speech starting at six, and we got all kinds of data together, the economic indicators and the president's economic report with all the tables in it. He gave what I think is a massive, important, substantive and sequential speech. It was one of the best speeches I have ever heard on the issue. He did it off the top of his head with just an abundance of raw data at his fingertips, which we had gathered for him. But he made that decision on his own. When he went to the state, he really did not want any staff following him around. Even in one election when I was with him, it was '70, he wanted to shake hands with

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people quite alone, and we would stay back fifty feet or a hundred feet so as not to appear to be with him. His was pretty much a one-man show. And that was

different from Mr. Douglas, although Mr. Douglas did not surround himself with any massive number of staff.

Mr. Douglas was quite frugal in his own office, but he was very generous with his staff and with his payroll, as was Proxmire. But in both cases they had a pretty tight staff. When Mr. Douglas was there the big states did not get enough money. The big states got only a third more money than the smallest states, so our staff was only slightly larger than that of Montana, which was next door to us. Our people got about half the salary and worked twice the hours. But when I was with Proxmire, the Senate had changed so there was sufficient money for the big as well as the small states. Of the two types of funds we had, one was for things like telephones, and trips back home, and telegrams, and that sort of thing, the other was for the staff salaries, both types of course supplied by the Senate. In Proxmire's case we made a point of turning back up to half of our operating expenses and certainly a third to forty percent of our staff funds over the years, because he felt that if he were going to be an economizer in the Senate, and point his finger at other people with the Fleece of the Month for the biggest, or the most ridiculous type of spending by the federal government, it was

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important that he live the same kind of life that he was advocating for others. We did that without too much difficulty. I'm quite convinced now that the Senate staffs -- not the staff people personally, but the amount of money that Senators get -- with the possible exception of the very largest states, is more than adequate for their needs, which was not true in the old days.

Proxmire had been a reporter, and I think he knew more about what Woodrow Wilson called the "informing function" than almost any other senator. I used to say there were two kinds of senators: the issue-oriented senators and the power-oriented senators. Power-oriented senators were people who twist arms in the cloakroom, who get on the pork-barrel committees and give out favors for favors in return, the way in which the Dixiecrats ran the Senate for years, but who when they leave the Senate, I think, are largely forgotten. What do they stand for, except a few public works projects and installations in their states? Those are important, but in the long run they don't change the face of history. Then I think there are the issue-oriented senators, in which category I put both Proxmire and Douglas, who are interested in making the country a better place in a variety of ways.

But Proxmire knew that the way to do this was to inform public opinion, to arouse public opinion, to change public opinion, which then reflected itself back on other senators who said, "I've got to know about that issue" -- the SST or whatever --

"because it's going to be voted on tomorrow and I have to vote on it, so I'd better inform myself about it." He got senators to vote his way, not by giving them a favor in return for one of theirs, but by showing that it was an issue of major public importance, that public opinion was for it, that they really were bound to vote for it. That is the way he killed the SST.

Both men were very, very bright. Proxmire is extraordinarily bright. He is witty. He has a terrific IQ. Mr. Douglas wasn't quite as quick in the sense of getting a joke. He was often witty, but he sometimes didn't quite get the point. Proxmire in some ways was quicker than Douglas, but he didn't have the massive background in reading that Douglas had, in history, in economics, although Proxmire was very quick to learn. You could give him a sheet of paper with a bunch of examples and lots of information, and he could read it very quickly, absorb it, give it back to you, remember it, and use it very effectively.

One thing that Proxmire did which amazed me -- I don't think I could do it myself -- was to invite members of his staff in to debate him. In fact, I think he still does it, not just prior to an election but throughout the years. Both the summer interns and his regular staff would be asked, one of them about once a week, to come into the office at four thirty in the afternoon, to pick a subject that they had not told him about, to pick any side of the case they wanted to make, to make the argument in favor or against

some particular public issue, and then he would rebut it, and take whichever side was left. He did that regularly and routinely to sharpen himself for the debates that he had with his opponents. Unlike the common wisdom that a sitting senator isn't supposed to debate his opponent, because that's the way you give them exposure and raise their level of name recognition with the public, he was so good at it that on the whole the debates he held with his opponents hurt them because he was so much quicker and so much better informed than they were, through this practice.

We did some other things, both with Senator Douglas and with Senator Proxmire. If either senator was to be on "Meet the Press," or "Face the Nation," or one of the weekend talk shows, or were to go on television, we would routinely meet on Friday afternoon before the Sunday and bring in the five or six substantive people who worked for him, either on a committee or on his own personal staff, and for at least an hour, or sometimes longer, we would throw at him the toughest

questions we could think of, and he would reply. Then on Sunday morning one or two of us would come in, after we'd had a chance to read the morning papers and get the latest news from the *Times* and the *Washington Post*. We would again throw questions for a half an hour to warm him up before he went to the program. We didn't overdo it, because we didn't want to kill the freshness and the spontaneity that would otherwise come. I think in all the years we did that, and we must

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have done it for the major shows forty or fifty times, plus all the times we did it for more minor and mundane events, I don't think we ever missed a subject matter. We didn't always figure out ahead of time the precise question that would be asked, but I don't think we ever, ever missed the subject matter. And on the whole, our questions were tougher than the questions he got.

I would often call the TV producer and suggest that the senator might make some news for them -- that's what they were interested in, that he make news -- and suggest to them general areas where if they asked him a question he might well be prepared to make news. We would try to figure out ahead of time methods of making news, genuine news, not just frivolous stuff. Well, those may be some comparisons.

Ritchie: You mentioned that Proxmire liked his privacy. Would you describe him as something of a loner in his relations with people, with other senators as well as with staff?

Shuman: Well, he's a very independent minded person. He can't be bullied or flattered or bought to do something. He's not against helping a colleague if he can do it. If a colleague says, "I sure would like to have you help me on this," I think he does it if he can, but on the other hand he's very independent. If he'd made up his mind no, I don't think anything would change it. There are a lot of people who say about senators that they've

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got a lot of friends in the Senate, or they don't have a lot of friends in the Senate. I always thought that was a wrong method of judging a senator. I've known a lot of absolute nonentities in the Senate who were very nice people. I don't think it matters much in the Senate that you're a nice fellow and you've got a lot of friends. In fact, when [Johnson](#) was there, and [Russell](#) was there, it was just the opposite. There was no way that a friendly fellow like [Herbert Lehman](#) could be a part of the club, because for them he was wrong on the issues. It was the issues

and how they voted on them that made them a part of the club. So I think that's a false method of judging a senator.

Both Senator Proxmire and Senator Douglas had colleagues they were close to on issues, with whom they agreed, or worked together, and yet they were both quite independent of a lot of people.

Ritchie: What was it about Proxmire that led him to take on the leadership and the establishment of the Senate, almost from the day he arrived?

Shuman: Well, he had come from the Wisconsin legislature, where they had held caucuses, where they met and decided things pretty much as a group. They didn't have any binding commitment, but if they got together, and worked together, and reached a consensus, generally most people would go along, because they

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would take into account everybody's view and determine their action. When he got to the Senate, there was no caucus. Johnson would hold a caucus only once a year and give his speech from the throne -- in fact, Democratic senators used to call it that -- just after Congress convened in January. And that was the last time there was ever a caucus of Democratic senators. Proxmire thought it was a very undemocratic method of proceeding. He took Johnson on. He made his major speech, which I think I have mentioned, "Proxmire's Farewell Address" on Washington's birthday, almost a year and a half after he got to the Senate. It was on February 23, 1959. He was critical at the way Johnson functioned.

Ritchie: Did Senator Proxmire get along any better with the leadership under [Mike Mansfield](#) and [Robert Byrd](#)?

Shuman: He liked Mike Mansfield very, very much, and he got along with Mansfield. Yes, he certainly did get along very much better with Mansfield. I used to say that Johnson was a benevolent dictator but under Mansfield it was anarchy. But anarchy was much better, because it was more pleasant.



Majority Leader Mike Mansfield (right)
with Senators Vance Hartke (D-IN) and George Aiken (R-VT).
Senate Historical Office Photo

Ritchie: So Proxmire wasn't just anti-leadership, and anti-establishment, he was anti-unfair leadership.

Shuman: I think so. And also he's gotten along quite well with Bob Byrd. I think he's voted for Byrd for leader all but the first time. Part of the reason for that: one of the things that

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was very important to Proxmire was his voting record. He hasn't missed a vote in twenty years. He will shortly have more than ten thousand consecutive votes without missing one. Not quorums and votes. There was a man in the House who had a very, very extended record, which he claimed was longer than Proxmire had, but he counted the quorum calls as well as the votes, so it was unclear as to how many consecutive votes he had. But with respect to the Senate, the second largest consecutive voting record was [Margaret Chase Smith](#), who had just under three thousand. Of course, Johnson would keep her from missing votes. I think it's fair to say that [Lewis] Strauss was defeated for Secretary of Commerce by Johnson with Margaret Chase Smith's vote, in part because he had preserved her voting record, and he then called in the chits when he needed that vote. Although with Margaret Chase Smith, one didn't dare trade directly. Johnson couldn't go to her and say, "I'll protect your voting record if you'll vote against Strauss." There was no way he could do that, but there were more subtle ways.

Ritchie: Why? Would she just resist completely an overt appeal?

Shuman: Yes, in vote after vote. I think she was still there at the time of the SST vote. There was a major vote where we were involved with her. The rule was: For God's sake don't approach her! Don't have the lobbying groups or anyone else go

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ask her. The first group that goes to ask her she'll say no to! That was a very, very important rule.

I got off the track there.

Ritchie: You were talking about leadership.

Shuman: Byrd protected Proxmire on his votes. Byrd would hold up the vote, make certain Proxmire had voted before he would call for the final tally. There were not many times, but there were certainly two or three times in this record of ten thousand votes, when Byrd kept him from missing a vote. I think, although he never said it, that one of the reasons he supported Byrd was because Byrd had done that favor for him. Byrd, of course, was known for this. He did small favors for everybody and then would send the person a note afterwards saying, "I did this for you." He would remind the senators in writing what he had done on their behalf. It was very, very common. I think that may have had some influence on Proxmire's support of Byrd. He got along quite well with him.

Ritchie: So the most important thing the leadership can do is to be fair and to be open, and not to try an end-run around the senators, which Johnson often did.

Shuman: Right. Johnson did it repeatedly for those who weren't under his thumb. He was quite unfair with them. There

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were two kinds of senators, very much like George Orwell's pigs. Some pigs were more equal than others when Johnson was leader.

Ritchie: Both Proxmire and Douglas were chairman of the Joint Economic Committee, but Douglas never got to chair a standing committee of the Senate,

whereas Proxmire became chairman of the Banking Committee. How different is the role of a senator when he becomes chairman? Does he have much more influence, or have the rules of the Senate made the chairman just first among equals?

Shuman: By the time Proxmire became chairman of the Banking Committee, he was first among equals. That was unlike the period through at least [Willis Robertson](#), when the chairman had control of most of the staff, controlled the agenda, controlled the subcommittees, and effectively controlled the committee. When Proxmire got there he was merely first among equals.

One very good example of that was [John Sparkman](#). He had been chairman of the committee and of the major subcommittee, the Housing Subcommittee. In fact, about sixty percent of the work of the Banking Committee was housing. So to be chairman of the Housing Subcommittee was extraordinarily important. Proxmire was very interested in that position, because on the Appropriations Committee he had the HUD, Independent Offices Appropriations Subcommittee, so here was a chance to have what I call the

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"double-whammy," to be chairman of both the legislative committee and of the appropriations subcommittee handling the funds. It gives one very, very great power over the subject matter.

When Proxmire became chairman of the Banking Committee, the new rule was that a chairman of a committee could have only two chairmanships: one of his committee, and secondly he could be chairman of only one other subcommittee, either on his committee or on another committee. So if he were to retain his subcommittee chairmanship on Appropriations, he had to give up the Housing Subcommittee on Banking. He was the first chairman to which that applied. It was the [Adlai] Stevenson committee on the reform of the Senate which did that, and it did so because there were more junior members than there were chairmen and hence more votes to put it through. They really socked it to the chairmen at that time. Now, Proxmire got around that by holding the housing hearings in the full committee on grounds that it was of such importance that it should go to the full committee. So he effectively controlled it. But there was a Housing Subcommittee chairman who had control of most of the Housing Subcommittee staff, which as I say was half the committee. So as chairman he didn't have as much authority as previous chairmen had had. He lost much of the staff.

I want to make a point about his independence. When he became chairman of the Banking Committee, he got calls from all

over the country, especially I remember the New York banks, David Rockefeller and others, the California banks, all of whom wanted to come to see him. He said no, he wouldn't see them. He would see them in the committee. If they wanted to see him, they could testify on a bill, and he'd be glad to hear their views. But he wasn't going to see them. I had call after call after call when I told the most powerful and influential bankers in the country that I'm sorry, the chairman isn't about to see you. I didn't usually tell the person, I usually told my opposite number or the number one person working for him, who usually made about ten times as much as I did.

There was a second thing he did, which I thought was very good. He had been frustrated under Willis Robertson, as had Senator Douglas, because Robertson wouldn't process their bill or bills. He might send it to a subcommittee, but it would be killed in subcommittee if Robertson didn't like it. Proxmire took the view that any member of his committee who had a bill, if he wanted to have a hearing and wanted to have a vote on it, Proxmire would make that possible. He wouldn't stand in their way. So he would call, usually at the beginning of the Congress, and ask them which bills they were interested in. And if they wanted to have a hearing, he'd be glad to hold a hearing, and he'd be glad to arrange for them to get it out of committee if they had the votes. He helped them in every way. Well, it was very interesting,

because it points up the fact that many, many bills, most bills, are put in not as serious bills but so a senator can say, "I've got a bill in, I've taken a stand on this, or I'm for that," without wanting to get it passed. That generous offer didn't bring with it a vast response from the members of the committee, most of whom had only one or two bills in which they really were interested.

It taught me another lesson in one thing which Proxmire did very, very well. That is, legislatively he concentrated on those issues over which he had some jurisdiction in the Banking Committee or in the Appropriations Committee, because he could get something done. It's virtually impossible for a senator on Banking or Appropriations to get a bill passed through the Commerce Committee, because no one there is interested in putting someone else's bill through, unless they have a great personal interest in it. I think to be effective, one needs to function that way. It's a very good lesson. It works. And as a result, I think Proxmire has a list of legislation with his name on it probably greater than any single senator in the Senate since he's been chairman of the Banking Committee. Bill after bill after bill; I could put a list in the record, but I won't.

Ritchie: Just the other day when he gave his talk at the Press Club they referred to him as "Mr. Banking." And he's going out with major legislation that he still hopes to get passed.

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Shuman: Well, he has new bills now, but he has had a vast number of bills in the past. Of course, that also brings up the point that any bill coming out of the Banking Committee has the chairman's name on it, so by being chairman of a committee a person will get much more credit than other people. In some ways the issue of how much legislation a person has passed is very misleading. I have yet to be in a campaign where the opponent hasn't said: "He's ineffective. Can you name three bills he's passed, bills that have his name on them?" Well, first of all, Proxmire had fifty bills with his name on them, but the average person, the public didn't know what the bills were, so the quick response was, "No, I can't think of a bill with his name on it." Secondly, unless a person is chairman of the committee, usually what happens is that a member's housing bill gets added as an amendment to the omnibus housing bill. The bill with his name on it ends up as part of a huge bill and is swallowed up in the totality, so the member doesn't get the credit for it. There are a variety of reasons why there are a relatively few bills called the [Wagner](#) Act as there have been in the past, or the [La Follette-Monroney](#) Act. Very few pieces of legislation are now known by their authors, such as the [Glass-Steagall](#) Act, even though certain people are the key people in the legislative process. It's unfair. That has always been raised as a red herring in every campaign I've been in: "How many bills has he passed?"

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A second red herring is: "Why hasn't he been here lately?" Well, a senator can be in every county in the state, as both my senators were, every year, and people don't know they were there. We used to send out lists to the papers saying when he'd be in the county, and here's the legislation that he'd passed, just as a defense against these two general arguments that are made against every incumbent senator.

Ritchie: When you mentioned the Stevenson rules change before, you were with Senator Douglas when he was operating on the outside against powerful chairmen, and you were with Senator Proxmire when he was the chairman of a committee. Do you think that the rules have moved in the right direction, or have they actually frustrated people when they finally got to a position of power and could no longer exert the power of the chairmanship?

Shuman: No, no, I fully agree with the general thrust of the Stevenson amendments. I think they made the Senate a much better place. They diffused power in the Senate instead of concentrating it. They were long overdue and needed to be done.

Ritchie: Well, is diffusion of power in itself good? Or is the question the people who hold the power? In the fifties the Southern Democrats held the top positions. When finally the liberals got into power, was it too diffuse to be effective?

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Shuman: No, it wasn't too diffuse to be effective, if the votes were there. And the votes were there starting in '58 and again in '64, and then for a short period after the '74 election after [Nixon](#) left. I suppose there is literature among political scientists about how power is concentrated in the House and the Senate, and then it's diffused, and then it becomes concentrated again. There's a constant swinging of the pendulum back and forth. But on the whole, I think it's much better for power to be diffused. Let me give one example. In the House today every member represents almost precisely a half a million people. It has never seemed proper to me that someone who's been there for twenty years, as in the old days, who's chairman of a committee, who's an autocrat, should have any more power than the most junior member, because they represent an equal number of people, and the junior member's constituents have the same right to be represented in the Congress as the constituents of the person who's been there for twenty years. Therefore, at least philosophically, I think that a chairman should be just first among equals. He has power to set the agenda, he has power to call the witnesses, he has power to schedule, so he still has a lot of power, but he shouldn't have the autocratic power that people have had in the past.

Ritchie: You were administrative assistant for Senator Proxmire. What did that job entail?

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Shuman: I performed much the same function as I performed for Senator Douglas. I was a super legislative assistant. I did not administer the office. I never tried to administer the office. I didn't want to administer the office. I was unconcerned about the petty details of the office. I didn't want to hire and fire. I did that only with respect to the legislative people, and even then in both cases the senators made that decision with recommendations from one or two of us. In the case of Proxmire, I usually brought in my successor, Ron Tammen, on the question of adding any legislative staff. Together we would pretty much agree, or if we didn't agree each would tell him whom we thought was better.

When I first came with Senator Proxmire, he didn't have an administrative assistant. He'd had administrative assistants, and he had a reputation for having an office with a big turnover. I don't know why, but it is true that after I came with him the turnover ceased. Some of it was the fault of the people he'd had as his head people. There are two examples. One person who preceded me came in thinking that this was his opportunity to mold a senator in the traditional way that a political scientist would want to mold a senator. He shortly found out that this wasn't possible, that he had a very independent person on his hands who wasn't about to be put into the mold of a political scientist. Another person who was his administrative assistant would publicly

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argue with him. A group of people would come in, and the senator would give his views on a subject, and the administrative assistant would interrupt and say, "I think you're wrong about that, senator." To give Proxmire credit, he was quite good about that because he believed in argument, and debate, and people presenting tough views. But I think it rankled a bit with him. So when that person left voluntarily, he did not fill the job.

When I came with him, that job was vacant. And after I came with him we had a very stable staff, perhaps because I didn't try to run the office in any detailed way. They paid me too much to be the administrator of an office. I think it's a great waste of resources to pay someone as much money as an administrative assistant gets, which is always within a couple of thousand dollars of the senator. You can't get more than a senator, but you can get almost as much. To run the mimeograph machine and decide what computer system you're going to have is really a waste of talent and effort, so I didn't do that. That was done by other people.

What I tried to do, and what both senators did, was first of all to hire people who knew how to write. I think the two most important things were that someone a) knew a subject matter, and b) could write clear, simple, straightforward English. It was imperative to hire people who used active verbs, short sentences, who knew how to write, could write quickly, and did not

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procrastinate. Many people say, "I can speak well, but I can't put it down on paper." Writing is effort. Writing is work. Writing is organized thought, and it's not easy. I learned to write by doing a graduate thesis and by writing for a local newspaper and for Time magazine and because I had to meet deadlines. The way to learn to write is to discipline yourself and to meet deadlines.

The second method of operation I had was that each person on the staff had a subject matter, or several subject matters, over which they were expert. With both Douglas and Proxmire, they would go directly to the person who was in charge of environmental matters, or agricultural matters, or the dairy cow in the case of Wisconsin. I didn't get in between them. I was often there and listened, heard what the senator said, knew what deadlines he'd set, and perhaps would enforce these to some degree, or help the person, if he was in trouble or needed to get information.

I had no desire to perform the function of the executive officer in the military chain of command, or act as Donald Regan did in the White House. I think that's a mistake in a political office. I learned that lesson from a man I rode to work with for a year or two, who was the legislative assistant for Herbert Lehman. Herbert Lehman was a marvelous man. I think he shelled out about eighty thousand dollars a year from his own pocket to pay for a sufficient staff to answer the mail. It was a time when

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the small states controlled the Senate, and had the big states by the throat, and when the big state senators got such a small additional amount of money that Herbert Lehman had to do that in order to serve his constituents. But the man I rode in with at a time when there was an administrative assistant and usually one legislative assistant, maybe two -- a big state probably had two -- but in this case the L.A. almost never got to see the senator. The administrative assistant guarded the door. Everything the L.A. wrote had to go to the administrative assistant and sometimes wouldn't get to the senator. The administrative assistant decided whether the senator was going to see it. The L.A. was very unhappy. He was a very able person and afterwards worked for Vice President [Humphrey](#) in a major capacity at the Executive Office Building. He was an extraordinarily able fellow who was totally frustrated by that set up. And I figured that was the wrong set up.

Now, one of the problems of working the way I did was that if you hired people whom you thought a) knew the subject matter, and b) could write, you were usually right three out of four times. But the fourth time you missed. I usually missed because the person had an excellent biographical sketch, vita, but didn't live up to it. I resolved after having made one or two mistakes, especially after having made mistakes with the staff of the Douglas Commission, when we didn't really have much choice, but

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when people came in with marvelous looking biographical sketches and then couldn't meet a deadline, to do it in a different way. I determined I wasn't going to hire anybody I hadn't worked with. So I hired people, usually from other offices, I had worked with under the gun in a very important legislative situation, where we had to meet a quick deadline, where the senator would say: "I need this in the thirty minutes, give me a speech." I often wrote speeches in thirty minutes.

In fact, what I really did in Proxmire's office was to write. To characterize it, I wrote for a living. I wrote his articles, I wrote his speeches, I wrote his books. That brings up the question of plagiarism, which I thought was overdone in the [\[Joseph\] Biden](#) case, that is to say, I think Biden was criticized too much for what was called plagiarism. There isn't a senator who doesn't plagiarize his staff. I have a story I tell. It's not quite true. I've embellished it a bit. There is a book called *Uncle Sam, The Last of the Big Time Spenders*, which I have here -- I hold in my hand, as a former Wisconsin senator said. I wrote every word of this book except the preface. The senator was very good to me about this. He gave me I think more than half of the royalties. I put a daughter through college for one year on the royalties. I wrote a chapter a week over ten weeks during the summer vacation. Part of it was written at Cape Cod. I worked out a method of writing it. I wrote on Mondays, Tuesdays

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and Wednesdays, collected data Thursdays and Fridays, spent the weekend just absorbing it. Then Monday morning I worked for three hours writing ten pages of legal sized foolscap, corrected it that night, swatted up what I was going to do the next day, wrote the next morning, collected additional information, swatted it up, wrote Wednesday. I did that for ten weeks, and I wrote the book in ten weeks. But it also represented almost a lifetime of experience, enabling me to do that.

The senator put in the preface something like the following, although I'm exaggerating it a bit: "I want to thank my administrative assistant, Mr. Howard E. Shuman, without whose efforts, word by word, line by line, paragraph by paragraph, page by page, chapter by chapter, this book could not have been written." A little later on, he wrote a book of his own, called *You Can Do It*. It's a health book. And he wrote every word of it. So I went to see him one day and said, "Senator, why don't we call this book *You Can Do It by Howard Shuman*. And we'll put in the preface: I want to thank Senator William Proxmire, without whose help, word by word, line by line, paragraph by paragraph, page by page, chapter by chapter this book could not have been written." That's my story on that. I wrote for a living, and I liked to write. Writing is like speaking. If you do it a lot, it becomes easier. If you lay off for a couple of weeks, you find it very hard to get back into the stream of things.

Ritchie: When you write for a senator who is going to either give it as a speech or release it otherwise, do you find that you write in that senator's style?

Shuman: Yes.

b>**Ritchie:** Do you try to adjust yourself?

Shuman: Yes. I wrote in Proxmire's style. I wrote in Douglas' style.

Ritchie: What were those styles? How would you think as a Douglas or a Proxmire?

Shuman: Well, they both wrote simple, straightforward English. Douglas was more thorough, less punchy, explained things in greater detail, and used more factual information. He liked to pile up the evidence and prove his conclusions. Proxmire was the journalist who wrote a good lead. Proxmire had a genius for writing the lead. Almost the only thing he'd change in the stuff I wrote for him was to change the lead. He was more assertive and did less of piling up the proof. He knew what a good newspaper lead was, how to grab attention, to say what was the essence of the article or the speech in the first sentence or the first paragraph. He was very good at that, but he didn't change very much except the lead. The fact is I crawled inside both of them. I knew them well enough, worked with them closely enough, went to

hearings with them, knew what they thought, what they said, what their position was, that almost never did they change what I wrote in any substantial way. In fact, most of the time my style of writing was really at best revised first draft. It came out as I wrote it. I think Proxmire will tell you that I could write very quickly. And I like to write.

Ritchie: That leads to the question of the "Golden Fleece" awards.

Shuman: I knew that was coming up!

Ritchie: What was the history of the Golden Fleece?

Shuman: It's a very simple history. It really begins with the first thing that happened to me when I came to work for Senator Proxmire. I came to work for him early in January of 1969, and the previous December, I think it was the tenth

or the twelfth, during a recess of the Senate he held a hearing. He loved to hold hearings during the recesses, between Christmas and New Year, between the 10th of December and Christmas, or on a Saturday, anytime when the press was desperate for news. In fact, I remember one time we had a report which we issued between Christmas and the New Year for the Joint Economic Committee, when almost no one was in town except the senator. I think every camera and every press person in town was there. He held the press conference to release the report, but the press conference

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was held a day or so before the release date, so they'd have time to read it, absorb it, and write their stories. So there was no immediate news that day. After the senator had finished detailing the report, what was in it, and so on, one of the newspaper people got up and said: "Senator, can't you say something else? We're desperate for news!" The senator knew this and took advantage of it.

He had held a hearing in December on the C-5A airplane at which Ernie Fitzgerald had testified. Critics say that Ernie came up and blabbed out that there was a two billion dollar overrun on the C-5A and was disloyal to the Air Force. Ernie doesn't deny that, but that isn't quite what happened. What really happened was that Richard Kaufman of the Joint Economic Committee staff had been briefed at the Pentagon on the C-5A, and had just stumbled, during the briefing, on the fact that there was a two billion dollar overrun. So when Ernie came up to testify, he was asked about that. I went back to read the record, because I put it in the book. But if you read the record you'll find that Ernie demurred, several times. He wasn't about to confirm it. So finally, Proxmire put it to him that there is a two billion dollar overrun on the C-5A, to which Ernie finally answered yes, which was truthful. He wasn't going to lie. Ernie is a hero, and I think deserves all kinds of credit, and has been fired and rehired, and Carter campaigned that he was going to reinstate him,

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and then got in and refused to do it; Ernie deserves a lot. Very few people have the guts and the fortitude to do what he's done. But still, if you go back and read the record, he wasn't that much of a hero at the initial stage.

Well, Proxmire asked me, very early, in January, whether he should continue with this issue. I said, "Yes, you must." Two billion dollars is something people cannot understand. They cannot see, feel, and touch two billion dollars. It's just too much. But when it was personified by the Air Force firing the poor guy who told the truth and blew the whistle that was real live stuff. What the senator was trying to do was cut waste at the Pentagon and to make the Air Force procure more efficiently. Now it was personalized by Ernie. That's exactly the kind of issue you want to deal with.

We tried to adopt that principle to government waste in general. So we decided to try to personalize the issue by examples of the biggest, the most ridiculous instances of wasteful spending for the month. We originally held a contest in the office to get a name for it. I didn't win it, two other people came up with the name "The Golden Fleece," which is a double entendre. There was a golden fleece in Greek mythology. Who was it, Jason and the golden fleece? It also has the entendre of fleecing the public. So it was a very good name.

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I was responsible for editing and getting out the fleece every month, from about '74 when we started, maybe '75, until 1982 when I left. I wrote about a third of them, and I was responsible for and edited all of them. One of the things I kid about as the consummate administrative assistant is that when the senator was sued for one of the golden fleeces, even though I had been responsible, my subordinate who drafted it and the senator who okayed it, were sued. They didn't sue me. Now, it takes a certain amount of bureaucratic expertise to survive that situation! They were the butt, the senator and the subordinate. Seriously, it was inadvertent that they were sued for \$8 million, not me.

But its purpose was to try to draw attention to issues that otherwise people didn't notice. I would like to give one example. There is a man in Washington by the name of I.F. Stone. I.F. Stone wrote a newsletter, which made great news and was a big contribution to public information about all sorts of subjects, because he merely went through the public documents of Congress, the hearings, and wrote about things that other people missed. Now, the press is in a sense lazy. The press likes a fight, conflict, so they spend great effort before an issue is finally resolved, when the big issue is in committee or on the Senate floor, writing about who's going to win, who's going to lose. They write very little about the substance of the bill, but they do write about the fight, who's winning, who's losing on Civil

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Rights, on a whole variety of issues, on the B-1 bomber, the MX missile. But where the power is, where the money is, in the appropriations committees, which is really the place that funds the programs and where the policy is carried out, the press almost doesn't cover it.

So here was Proxmire who from time to time was chairman of the Appropriations subcommittees on foreign aid, HUD and independent agencies, and on Health and Human Services. He's also on the defense subcommittee of the Appropriation Committee. But the press doesn't come to the hearings. They are seldom involved in what happens in the mark-ups, which are now public. They are very lazy. After the initial fight is over, they forget it. Well, the Appropriations subcommittee is where policy is made. It's the source of policy. Proxmire would cut or increase the budget of HUD, or the space agency, or some defense item, and the press would pay no attention to it at all. The budget is the priorities document. We couldn't get their attention focused on this. So the fleece of the month's purpose was to try to get some attention on these areas which were essentially overlooked by the press in the Appropriations Committee, which were of such magnitude that people couldn't see, feel or touch and understand them, unless there were good examples. The fleece served that purpose very well.

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It had quite a good effect. After the first year, I did a survey, because people would say, "Well, does it do any good?" I did the survey to find out what, if anything, had happened as a result of our criticism. We found out that in two-thirds of the cases, it may have been three-quarters, eight or nine of the twelve, that in fact either the practice that we'd complained about had been changed or modified, or the fleece had some other major effect. There was one effect that it had which was not such a good effect: the National Science Foundation, which was then putting out relatively small amounts of money for what seemed to us to be very silly projects -- why people fall in love, and things of that kind, whether fish that got drunk on tequila or on gin were the more vicious, really ridiculous types of things. What they did was to go through their awards, and in order to keep us from finding ridiculous examples, they changed the names. They didn't change what they did, they merely changed the name. But contrary to the charge that was made against us that we merely picked up things that had a stupid name, we never picked something merely because of the title. We often found things that had rather silly names but which in fact seemed to be quite good projects, and we did not give them the fleece of the month, unless there was some really good reason to do so.

Ritchie: Did you ever in retrospect regret a fleece?

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Shuman: No, not even the one we got sued on. In fact, I feel more strongly about the one that we got sued on than almost any other. We did not make an error. There was no error of fact or substance there. One of the things that happened with that fleece (and I can say this because it's part of the record, I'm now quoting the record of the court) was that the fellow who received the grant -- we didn't give it a person, we gave it to the agency, so the person who got the fleece was the National Science Foundation, not the person who received the grant. We said the Science Foundation was at fault for giving such ridiculous sums of money to the person who got them. The person who got the grants had been fired from his job for some of the same things we complained about.

I have no regrets about any one of them, because they were accurate. Over the number of years that I was involved in it, we almost never made a mistake. The only factual mistake I can remember -- there were two, and I can only remember one -- was that we got the city wrong. The person who got the grant was from one city in Indiana, and the research took place elsewhere, and we got the cities mixed up. But apart from that we almost never had a factual error. The one I enjoyed a great deal hit very close to home. I play tennis about five times a week. I live in North Arlington. Within a mile or two of my house there must be fifty public tennis courts, and I play on them all the time. There was

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an article in the suburban press about a study that the National Science Foundation had funded for a small amount of money, five, eight, ten thousand dollars, to find out why people get angry on the tennis courts. The researcher set up a very elaborate study: there was a survey of tennis players. The researcher hired a psychiatrist to interview people. She did all the things behavioralists and the psychologists do, and she ended up finding that the reason people got angry when they were at the tennis courts was that more people wanted to play tennis than there were courts to play on!

When I first saw it, I thought it was a hoax. So I called the reporter, and he said, no, this isn't a hoax. Then I called the researcher, and the researcher was very excited about the work. I really felt rather badly about it, because she was so enthusiastic about her piece of research. But nonetheless we did give the fleece to the grant that went to Arlington. It pointed up one of the things that was wrong with the way the Foundation (in this case it was the Endowment for the Humanities) gave the money. They gave the money to the State of Virginia without asking the state what it was going to do with the money. Virginia got its share of the money that went out to the 50 states. Then it was of no concern to the Endowment what happened to those funds. Now, the Endowment made the

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argument, and there was some sense to it. They said, think of the administrative costs if we

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have to follow up on what the states do with every small ten thousand dollar grant. But the small grants add up to a lot of money -- one-hundred twenty-five or thirty million dollars I think they were getting per year at that time -- over which the Endowment relinquished jurisdiction and over which they said they were not concerned or interested in what happened. We pointed that out.

Ritchie: It certainly was a tremendously successful public relations tactic. It always made the newspapers.

Shuman: It always made some of the newspapers. The *Washington Post* sometimes did not print it. Often the *Washington Post* printed the fleece not as the original story but the criticism of the story by the agency who received it.

Ritchie: Why do you think that was?

Shuman: I think they felt it was beneath their dignity. If they had found it, it would be a good story, but for some senator to find out something that was newsworthy and to put it out once a month was sort of interfering with their business and they weren't really going to acknowledge that. Also, the story was written by their staff person, who covered the agency getting the award. And that person, in order to protect sources often gets co-opted by the agency he or she covers. I never asked them, because I learned very early not to complain to newspapers about what they did or didn't run, because they always have the last

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word. In fact, when we were sued, the first story to appear was the rebuttal by the person who got the grant. And the reason for that was that I think the *Detroit Free Press* or the *Detroit News* got our release, say on a Saturday morning, which was for a Monday morning release, and on Saturday afternoon they called the researcher and said, "Here's what's being said about you. What about this?" He gave his reply, and they printed his rebuttal. His rebuttal to our fleece was the story that was put out first. We read it as the rebuttal to our fleece, which had not yet appeared. I never thought he was maligned as a public figure because his reply preceded any allegation we made. It was like Alice in Wonderland, "Verdict first, evidence later."

Ritchie: Do you think that some of the papers may have reacted that way because they thought it was a stunt? Because the senator was doing this on a regular basis?

Shuman: They might have.

Ritchie: That they might have been suspicious of something that looked overtly like a public relations operation?

Shuman: Well, I think they thought that. But so what? They do it all the time, and they don't think anything is wrong with it. If it were news, they printed it, believe you me they printed it. And we had access to sources that the papers didn't have. Most of our stuff came from digging deep into the subject

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matter of our Appropriations Committee. We had people around on the Joint Economic Committee and on the Appropriations Committee staff and in our own office who kept an eye out for these examples. And if we saw something that was interesting, we could command the papers. We could ask the agency for the details behind it; we could get the original contract, which we did, and which we read, and from which we quoted. We had the basic information, and that's why we were so accurate. But that was information that no one else could get. So, I make no apology for it at all.

Ritchie: Just the other day, Senator Proxmire was asked what he was going to do with the golden fleece after he retired, if he was going to will it to another senator. He said actually he was thinking about taking it with him, and he hoped that he could continue the tradition.

There was another thing about Proxmire that I was always interested in: when he begins to do something he seems very dogged about it. He gave a speech every day for years on the genocide treaty. He makes a point of making a speech every day during the Morning Hour. There are certain issues that he repeats and repeats. Is there something about his character that accounts for that tenacity?

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Shuman: Yes, we always called him an over-achiever. We meant this as praise. He has incredible self-discipline and determination. I don't know how many

years he gave a speech virtually every day on the genocide convention. He decided years ago that people hadn't paid enough attention to it. He said, "I'm going to give a speech every day until it's passed." It took about twenty years to get it passed! But it did get passed. And he got a lot of credit for it when it was passed. The same is true with his record on consecutive votes. The same is also true about going back to the state. He makes a point to shake at least a thousand hands every day he's back in the state.

I remember when, I think it was with Ernie Fitzgerald, the Defense Department tried to muzzle or to punish Ernie for testifying before the Joint Economic Committee. There's a statute which makes it illegal for a department or agency to punish an employee for giving testimony to Congress. Congress has to be able to get information and protect itself. Well, obviously, the Justice Department was unwilling to do anything about this. I think that the conflict of interest in the Department of Justice is one of the worst things in the government. There hasn't been an Attorney General to speak of, with one or two exceptions, who wasn't either the brother of the president, or from the law firm of the president, as was true of Nixon, or his personal lawyer as was true of the first Attorney General under both [Jimmy] Carter and [Ronald] Reagan.

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Ritchie: William French Smith.

Shuman: Smith. The Attorney General is almost always someone who is put in to protect the rear of the president and to keep anyone in his administration from being indicted. That is the purpose of the Attorney General, and it's wrong. They should be independent. Their purpose is to enforce the law. This may be apocryphal, but there's a story that over one of the doorways of the Justice Department there are the words: "All ye seeking justice enter here." And there's a big sign at that entrance saying: "Please use the other door." I think that's true. So what we did after writing to the Attorney General two or three times, this was Nixon's Attorney General, asking him what he was going to do about this obvious attempt to muzzle a person for testifying before Congress in violation of the law. And we didn't get a reply. We started putting things in the record like "today is the forty-fifth day since we sent the letter to the Attorney General asking what he was going to do." Then we'd say it's the forty-sixth day, and the fiftieth day, and the hundredth day, and so on, which was a very good device to draw attention. There's nothing wrong with that, because it's what Woodrow Wilson called the informing function, which is as important as the direct method of legislating. You can't legislate without informing, and that was an example of the informing function.

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Proxmire never, ever was interested in publicity in personal terms. When he went home at night, he would go to bed at nine thirty or ten o'clock, and wouldn't answer the phone. He had an unlisted number. I remember the morning when the Iran rescue mission failed. I got a call at six o'clock in the morning from the press, saying, "Where is he? We can't get hold of the senator. What does he have to say about this?" I said, "Call him at the office, he'll be in at eight thirty, and he'll answer your questions." But he wouldn't interrupt his private life to appear on television, he wouldn't do a lot of the things that people who are anxious for press coverage would do. He did it because he felt it was a fundamental part of his job, and that this was the way he could get his issues across. It was not a method of self-aggrandizement. People don't understand that, they don't believe me when I tell them that, but that is in fact the case.

Ritchie: And having been a reporter, he knew -- if you had an issue to get out -- all the things you had to do.

Shuman: Correct. It was a part of his profession. He was trained in it.

I remember one morning about three o'clock, I got a call from the District of Columbia police. Proxmire's son had almost been killed in an auto accident on the Baltimore Beltway. The police couldn't get in touch with him, so they called me in the middle

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of the night. I called the senator, because I had his unlisted number, but he didn't answer. He often refused to answer the phone. What I had to do was I had to get the Capitol Police, tell them who I was, (I knew them, so they knew who I was) to tell them to tell the D.C. Police to go to his house and wake him up. The D.C. Police were unwilling to do that on my word. They were afraid to go knock on a senator's door at three o'clock in the morning. But I had the Capitol Police call the D.C. police, and they in turn did call at his house and got him up. But he wasn't about to answer the phone in the middle of the night. If a senator has a listed phone, he gets a lot of calls from drunks in the middle of the night, people who have got a big argument, mostly drunks.

Ritchie: Your mentioning the accident reminded me of the time the senator was mugged during one of his jogs. He always used to jog to the Capitol and back home again every day.

Shuman: Yes, he used to run in. It wasn't jogging: he ran in and he ran home. There is a distinction between running and jogging. He did this long before it was

as popular as it is now. He was on his way home only a few blocks from the Capitol when he was mugged by two black teenagers. One I think was fourteen and the other fifteen. They were both underage, both juveniles. They robbed him, and he fought them, and they ran off. But there was a police car near by which the senator hailed in a matter of

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minutes. There must have been fifteen police cars that descended on the area, and they caught them really quickly. Those kids were very surprised at what happened to them when they mugged a senator!

Well, the senator went down to the hearing, and one of the boys' parents were there. The senator was quite impressed with the family, thought this kid had a good chance. So I suggested to him that he hire those two young men to come into the office after school to give them something to do and to keep them out of trouble. They could help us get out the mail, that is fold the letters, lick the envelopes, get them stacked together and mailed out, which was an hour or two of work. We would pay them the minimum wage or better. I've forgotten what we paid them now, not a lot, but something fair. We did that for about a year, and we didn't tell anybody, and we didn't get any news out of it. It was two or three years later when the *Milwaukee Journal* reporter found out about it and called us. Of course, I couldn't lie to him, so I told him what had happened. But I think it's an example to show that the senator wasn't just interested in publicity.

One of them made it, the other one didn't. It was kind of a sad thing. The one who didn't make it was a big kid, very tall, quite heavy. Afterwards he went into one of the main stores in Washington and shoplifted and was caught redhanded. It bothered me. It bothered me not so much that he did it but how stupid he

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was. I mean, there was no way that a big tall black teenager could walk into Woodward and Lothrop and shoplift without half a dozen people watching him. I criticized him very severely afterwards, not for the immorality, but for the stupidity of what he did. I was unhappy about that. He didn't make it, and I'm sorry he didn't make it. I don't know what else we could have done.

Ritchie: Well, it's an interesting side of his character that he would hire his two assailants.

Another question I was going to ask about was the relationship of a senator's staff to the staff of the committee that he chairs. What is it? Is it a friendly

relationship, a distant relationship, a competitive relationship? How well did you work with the staff of the Banking Committee?

Shuman: I worked well with the staff of the Banking Committee, with perhaps one exception. That wasn't a personality thing but was over an issue in which our chief person on the Banking Committee disagreed with what we were doing and asked to opt out. So I had to take over the issue, which I did. But that wasn't a routine friction, that was just on that issue.

I didn't have any conflict with the committees. We had a good committee staff on the Joint Economic Committee, but even on that committee they were not as attuned to the senator's personal style in the way I was. So that every month when the Bureau of

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Labor Statistics reported out the unemployment figures, we would get those figures at nine o'clock for the ten o'clock meeting, and I almost routinely wrote a statement for him as to the significance of the figures. Sometimes he wrote his own statement. One of the things I did with the Banking Committee and the Appropriations Committee, was to go to the hearing and listen and then sum up what had happened. Then I would go out maybe twenty or thirty minutes before the hearing was over and write up a closing statement for him, summarizing what had happened that day. Very, very often that statement summarizing the hearing became the key factor in the news stories, in the leads on television and in the newspapers. That was impossible to do before the fact. Once he was severely criticized by a HUD witness for reading a written statement at the end of a hearing on grounds he had pre-judged the evidence. That wasn't true. I wrote the statement after consulting with him on the dais after hearing the evidence.

If it were a very technical legislative statement, the staff of the committee would do it. But if it were more of a political statement, I did it. So we didn't get in each other's way very much. But I was his economic writer, and since he was mainly interested in economic issues, the budget, monetary policy, tax policy, fiscal policy, I did an awful lot of the writing for the committees in addition to the kind of things that the staff would do, such as preparing detailed questions for him, briefing him.

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I suppose, of all the senators I've known, with the possible exception of Mr. Douglas, he was better prepared for a hearing than any senator. Most senators

come in and the staff gives them a couple of questions to ask and the senators don't know very much about the subject. They ask the question, and then they don't have a follow up. Well, with Proxmire, we prepared for those hearings much as he prepared to go on Meet the Press. We'd meet with him usually the evening before the hearing, not at nine o'clock in the morning. The staff people would have good questions. I would often write an opening statement the next morning. He would have a list of questions that had been prepared for him to ask, and he would ask them and get the answer that we thought the witness would give. Then he'd be prepared for two or three follow-up questions as well. So he was extraordinarily well prepared. He did his homework in a way that very few people do. It was a joy to work for him, for that reason.

But even after that disciplined preparation he pulled many surprises. Frequently the television people would come around and ask me, "Is he going to make any news?" The hearings would be almost over, and I'd say, "As far as I know he's not going to say anything more." And then he would come in with something at the end of the hearing that was an absolute shocker, but he did it on his own, often without telling us. Sometimes he would tell us, or sometimes he'd say, "Here's what I want to do, go write a

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statement." As I say, my job was to write, and to write quickly, and to do it under fire. I did it both at the hearings and for the Senate floor.

There is something people don't really understand very well about the way the floor functions. The legislative process -- I don't think it's a process, everything is called a process these days -- really is not a process in the sense of a factory assembly line where things come in order and go down the line and a wheel is put on here and a motor is put in there and it all comes out as a whole at the end. That isn't the way it works. It's more like a barroom brawl than it is an orderly process that one can study. That's true of almost everything, the legislative process, the budgetary process. Everybody talks about process. Baloney! It's a barroom brawl. The Senate action is very much like getting out a newspaper in the sense that you have to work very fast, write quickly and accurately, speak or issue a statement, forget it and go on to something else the next day.

In this procedure, there are some resources available to senators which sometimes aren't very good resources. I don't mean to say this in a demeaning way, but I mean to say that the Congressional Research Service, for example, is very useful if you have a month to prepare for a hearing. But unless you know precisely the expert, and have his phone number, the CRS is almost no use to you when you are in the middle of the battle. It takes

their ammunition days to get to you. So that if a big issue comes up on the floor, as it often does, and some senator says you're wrong about that issue and that your facts are wrong, what you've got to do is to know where to go quickly to get the facts. And in those circumstances, unless you know exactly the right person at the Library, that source is not very helpful.

I knew some people, like George Galloway, who was the Congressional Research Service's expert on Congress. He was the staff man for the La Follette-Monroney Act. He was the American staff person to the Inter-Parliamentary Union. He knew legislative matters backwards and forwards, both the British parliament and the American legislature. I used to say if you've got George Galloway's number, you've got an expert at the other end of the line. So I could call George and get some fact really quickly. Lou Fisher at the Library is another person. Roger Davidson and Walter Oleszek are others. They're the kind of people I know on a personal basis, and I can get them on the phone, and very often they can within a few minutes give me the facts or call back. And there are people on the Joint Economic Committee and other committees who can do that. But generally speaking, those massive resources aren't very useful in the cut and thrust of debate and during the battle, when they are most needed. The Library really doesn't understand that. I wish they understood it better.

Ritchie: You mentioned a barroom brawl as an analogy. Would you carry it a little further and say that the person who has the advantage is the one with the most muscle? How much power does a person need in the process, or is everyone equal?

Shuman: Well, as I said before, there is the Orwell point that some pigs are more equal than others. When we were up against [Lyndon Johnson](#) or [Dick Russell](#) and they had the votes, the battle was unequal. In that sense it is true that muscle counts, but contrary to the Johnsonian position that talk didn't make any difference, it made a whale of a lot of difference in some circumstances and then one needed facts and information very quickly.

This is from the preface to my book, *Politics and the Budget: The Struggle Between the President and the Congress* (Prentice Hall), which makes the point I've been making: "While there is a timetable for action on a fiscal year budget and there are certain legal deadlines under the 1974 Budget and Impoundment Control Act, one cannot describe what happens as the budget process, with goals, timetables and schedules. The budget is not produced in a factory, where

intricate bits and pieces are polished, honed, and fed into an assembly line to be fastened, stapled or riveted together, emerge at the end as a functional whole. The budget is not a process, but rather a tale of conflict and struggle. At the end of the Congressional session, when the continuing resolution or the Christmas tree tax bill is before the Senate, the atmos-

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phere is that of a barroom brawl, or of the waiting room in a crowded airport after the boarding call has gone out. The budget is not put together in a mechanical, predetermined, orderly way, as the elementary textbooks on how to pass a bill or on the budget process would have one believe." That's the point I'm trying to make. It's shoot from the hip and correct the record more than it is let's sit down and think about this for a month and then act.

Ritchie: That reminds me of Edwin Corwin's description of American foreign policy, that the Constitution is an "invitation to struggle."

Shuman: Yes, I quoted that in an article I wrote only a week or two ago. He was using that as a rebuttal to the thing we keep hearing now. Of course, he wrote that years ago, but we keep hearing all the time that the president is supreme in foreign policy. Not true. Corwin rebuts this by saying that if you read the Constitution it's an invitation to struggle between the president and the Congress over foreign policy matters.

Ritchie: And you would suggest over the budget as well?

Shuman: Certainly. In fact, on the budget, until 1921 there was no presidential budget. There was a "Book of Estimates" and every agency just took its book of estimates, what they wanted, up to a particular Congressional committee. The president has no budgetary authority in the Constitution at all. It's all

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in Congress. This business that it's the president's budget irks me. It rankles me as a person who worked in the legislative branch most of my life.

Ritchie: I have a series of questions I'd like to ask about the atmosphere during the Nixon years, and Watergate, but since we've been talking for over an hour and a half, I think it would be a good idea for us to stop for now.

Shuman: Very good.

Interview #9: Ethics in Government

(October 9, 1987)

Interviewed by Donald A. Ritchie

Ritchie: You served in the Senate during the Eisenhower, [Kennedy](#) and [Johnson](#) years with Senator [Douglas](#), and then you came back to the Senate with Senator [Proxmire](#), just about the time that [Nixon](#) became president. I wanted to ask you how you would describe executive-legislative relations during the Nixon period? What was the atmosphere like under the Nixon administration?

Shuman: I was surprised at the way Nixon handled the presidency. I obviously was not fond of Nixon. I really never forgave him for what he did to [Jerry Voorhis](#) and to [Helen Gahagan Douglas](#), which is in the public record. But I felt that when he became president he might well have vindicated himself. He had been a Congressman, a senator, a vice president, and he had campaigned all over the country for his party. As I mentioned earlier in talking about Senator Douglas and how he would go back to the state and come back refreshed after having been in touch with the public and the people, I thought that the process of Nixon having been in office for such a long time and campaigning for his party would mellow him. And I was extraordinarily surprised when a couple of things happened.

First of all, he surrounded himself in the White House with people from his campaign rather than people who had a lot of Washington experience. And I think that was a mistake. They looked upon the presidency as a battle, as war, whereas I think if he had taken some people similar to [Howard Baker](#) now in the White House, it would have been a very different atmosphere. In the first few months of the Nixon administration, I was at an evening dinner at Brookings, where a few Washington people such as myself, Andy Biemiller from the AFL-CIO, Elmer Staats from the General Accounting Office, a half a dozen of us of this stripe, along with a bunch of mostly New York City middle level business executives, met with [John] Ehrlichman. In that meeting, very early in the administration, Ehrlichman took the position of the Imperial Presidency, and told us that they were not going to have anything to do with Congress. They would make their foreign policy, they'd make their defense policy. Congress was out of the loop, as far as he was concerned. Andy Biemiller and I took him on. We objected strenuously to what he said. I'll never forget it because of what happened later.

As a result of this, I've always believed that it was very important for any president to surround himself with people who were at least fortyish -- middle aged -- people who had had a lot of Washington experience, and people who had had some failure in life, so that they were mellowed a bit. I was surprised that

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Nixon didn't surround himself -- not just the Cabinet but his personal staff -- with people who had had Washington experience and who knew how the system functioned. But clearly he did not. He really brought in the warriors, people who hated with a vengeance, some of them.

When Watergate happened, Joe Rauh, whom I'd worked with very regularly on Civil Rights matters, told me not to worry about the government, not to worry about how things were going to come out, that once the matter got into court the legal system would winnow out the truth. He in fact was right about that, and as a result of my conversation with him, and as a result of having worked on the Hill for a considerable period of time, I never lost faith that the system would function. I know a lot of people were fearful, but I wasn't. I thought that the courts, and the Congress, and the press, and our other institutions, when put to the test, would survive. We had survived for almost two hundred years. So I was confident throughout that experience that there wouldn't be a take-over by the White House, there wouldn't be a dictatorship. And as it turned out, the institutions of the press, the courts, and Congress, particularly through Judge [Ervin](#) and [Bob Byrd](#), essentially saw to it that the truth came out and that justice was done. I'm pleased about that. It was a revealing experience. It wasn't a happy experience.

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I do not give Nixon as much credit as some people do in rewriting history, that he was such a great foreign policy expert. After all, in '68 he campaigned that he had a plan to end the war in Vietnam. So far as I can see, he never had a plan. And for many, many years he heated up the war by invading Cambodia, the secret bombing of Cambodia, and so on. I don't think there ever was a secret plan, and I don't think he handled Vietnam very well. In fact, physically the war was won in Vietnam, at least all my military friends tell me that it was, we won the battle -- even Tet -- but we lost it psychologically, and ultimately when we withdrew our forces first in '73 and then there was the '75 incident when we helped to evacuate the remaining Vietnamese, we lost entirely. So even though he was very good about the opening to China -- ironically he had chastised other people for being soft on the Chinese and on Communism early in his career -- while he gets credit for that, I don't think that in other respects his policies were unusual in the

foreign policy arena. He brought about "detente" but its results were disappointing.

I used to say, and I think maybe I've said this before, that in 1960 the the worst thing that could happen would be that either Nixon or Johnson became president, because they both had flawed characters. And the flaw in Nixon's character is the thing that I'm afraid he'll be remembered for.

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The Nixon White House didn't have a very good legislative liaison group, although Bryce Harlow, who worked in the White House, was extraordinarily good at it. He was supreme. But apart from Bryce the kind of people I saw I didn't think were very good at legislative liaison. They reminded me a lot of the [Jimmy] Carter group: inexperienced in Washington. Is that enough?

Ritchie: Yes. What was required of a good legislative liaison from the White House, and what kind of failings did you see in the Nixon people?

Shuman: There are a lot of things. One was they should never threaten. Two, I think we should see something of them from time to time. Three, I think they ought to know how to compromise and work the system. At least the people I worked for and the people I saw at close hand, other senators, were almost always willing to try to work the system, to compromise the system, to get a consensus. I don't mean compromise in a bad way, but most people were willing to give and take on legislation, to seek an end. You saw a lot of what people call hard-ball playing with the Nixon group. Especially starting in '72 after winning reelection, they really believed in something called the plebiscitary presidency, that is to say, he'd won by a big margin, he had won a plebiscite, and therefore he had the right to do anything he pleased. An example was the impoundment of funds, where he cut off all the HUD programs, and refused to spend the money on,

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I think, fifteen different categorical programs. The Nixon administration took the position that it did not have to enforce or to carry out existing law, and that a possible proposed law really took the place of an existing law on the books!

Well, that conflicts with the Constitutional requirement, the "take care" clause, that the president shall take care to see that the laws are faithfully executed. If he had come up and said I don't like this law, and I think there's a better one, and here's my substitute, and then carried out the law until the substitute came into being, that would have been fine. There were enough things wrong with the

Housing bills (I was associated with them very closely) that he could have made a good case, and I think things like changes in urban renewal and some changes in public housing would have gone through, would have gone through our committee, but he took the position that he was king, he was sovereign. In this country the people are sovereign, not the president.

Ritchie: What was the attitude of the senators at that stage?

Shuman: Well, I saw one thing on the Senate floor that I never will forget. There was a period in '72 and '73 when Nixon and the White House infuriated everybody. First of all, they killed the city programs, and this outraged the liberals. The

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second thing they did was to put a moratorium on a series of farm programs, and this outraged the conservatives. I remember the senator from North Dakota, who was the ranking Republican on the Appropriations Committee.

Ritchie: Oh, [Milton Young](#).

Shuman: Milton Young was furious. He stuttered and he couldn't quite get it out, but he was furious at what had happened. So first of all they infuriated the liberals and the conservatives. Then they infuriated people who were both with them and against them on the war, because before the invasion of Cambodia they transferred funds that had been earmarked for foreign aid for Turkey, Greece, and two or three other places, and used that money quite illegally for the invasion. There was another occasion, when the Senate and House had earmarked a contingency fund of seven hundred and fifty million dollars that could be used for other military purposes in Vietnam, provided they came back and informed the Senate and the committees and got approval. They spent the funds I think in December and January of 1972, '73, and by the time they reported to Congress in March or April all the money had been spent. These things infuriated Republicans and Democrats, Northerners and Southerners, liberals and conservatives, and I saw the eruption, several times, on the Senate floor, of virtually everyone against what was going on. He alienated everybody, friend and foe alike.

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Ritchie: Was some of the outrage a reaction to a sense of powerlessness, of not being able to combat that kind of presidential policy?

Shuman: No, there were ways of combatting it, I think, although I'll tell you of one event that may weaken this point. We had a hearing with the Secretary of Defense, Melvin Laird. This was in June of 1972, just before the election. Senator Proxmire asked him what would the Defense Department do if on June 30, which was then the end of the fiscal year, all funds were cut off, and no funds of any kind were available for the Defense Department to fight the war in Vietnam. What if Congress just stopped the money? No extra money! No left-overs! The whole thing would be shut off. No funds could be used for the war. What would he do? And Laird said, "We would invoke the feed and forage act." Now, the feed and forage act was an act going back to the Civil War. The purpose of it was that if Congress failed to appropriate funds by the end of the fiscal year, the army with its troops in Montana or Wyoming or somewhere two thousand miles away didn't have to let the horses die. They could use funds, spend money for things such as medical supplies and food for the troops -- hence the term feed and forage act -- and then could come back to Congress for those items and be reimbursed. Laird considered that gasoline for planes was the same as food for the horses. In fact, we checked it out. We asked the General

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Accounting Office whether funds had been used under that Act. I've forgotten the figure now, Lou Fisher of the Library of Congress knows the figures very well, but several billion dollars had been spent in Vietnam, for purposes Congress had not specifically authorized, under the provisions of the feed and forage act, and the bills were later presented as a fait accompli, and the Congress had to pay them.

So it was an Imperial Presidency. It was the British system under George the III where the king was sovereign. The king could go to war without asking Parliament; the king could send troops anywhere he wanted, without asking; the king could make treaties without the advice and consent of Parliament; the king could make appointments on his own authority. And the Nixon crowd considered that having won the '72 election they were free to reign. So I think the title of Arthur Schlesinger's book *The Imperial Presidency* was the right thing to call them.

Ritchie: In 1974 the Congress passed the Budget and Impoundment Act. Do you think that effectively solved the problems that they saw coming along?

Shuman: That Congress saw?

Ritchie: That Congress saw during the Nixon period. Did it settle the issues?

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Shuman: No, it did not. I was deeply involved in that act. Senator Proxmire was a member of the "poobah" study committee between House and Senate. I did the staff work for him. It was composed of all the chairmen and key people from Appropriations, from Finance, from the Joint Economic Committee, who were first of all involved in it, and who tried to write the bill originally giving excessive power, I thought, to the barons on Appropriations and Finance with respect to the budget. That was later watered down, especially by the Government Operations Committee, which made it a much better law. The Senate bill was watered down, and [Dick Bolling](#) in the House expanded the provisions of the act to include more than the top dogs from the big money committees on the new Budget Committees.

That Budget Act, in terms of the way it was written and put together, is almost a work of art. I've read it many, many times, and I marvel at what a beautiful, artistic act it is. I said in my book "It would be a gross exaggeration to call it the political equivalent of Pathagoras's Theorem, Michaelangelo's David or a Hawksmoor Tower, but in the political sphere it has an order, logic, and structural elegance rarely seen." It has a symmetry both as to numbers and to time. And for the first few years, from 1975 through 1981, through the first year of Reagan, it worked very, very, very well indeed. I can't tell you how well it worked. The deadlines were met on time, and so on. But the

reason it worked was there was a consensus on budget policy, and after 1981 the consensus broke down, and the situation became a struggle between the president and the Congress, not between Republicans and Democrats, but between the president and the Congress, with the Republicans in the Senate in 1985 trying to do on their own the things that would answer at least part of the deficit problem. They proposed a small tax increase, freezing the cost of living allowances, and cutting back on the military build-up. It passed the Senate by one vote, but the president immediately pulled the rug out from under it, and [Gramm-Rudman-Hollings](#) came about as a result.

What you have in the Budget Act, in my view, is this. In 1974 we added through the Budget Act, a lot of process, to a constitutional system which is designed to limit major changes to those with overwhelming support. We have a division of powers and a House and a Senate, where it takes a long time to get bills passed, and where it is very easy to stop almost anything. So we added a new process. No institutions were repealed. Everything was added to the existing system, and it worked for a time while there was consensus. Then when the system got into even

more trouble in 1985, Congress piled process on process, and the system is now weighed down. It is almost impossible to make it work. If there is a consensus on budget policy, if the president tries hard and the Congress tries hard to reach an agreement, you don't need

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all that process. If there is no consensus, as is the situation on October 9th -- and I blame the president specifically for being unwilling to pay for the military build-up by a tax increase, and I blame him and Congress for that 1981 tax cut, which was the key to the deficit -- no additional process, Constitutional amendment, line item veto, a new Gramm-Rudman trigger, a two year budget cycle, none of these things will solve the problem. To add them would be big mistakes. So I'm now willing to abandon much of the Budget Act. The Budget committees have worked pretty well, the CBO [Congressional Budget Office] has been terrific, and impoundment control has worked but apart from that, the system has had put on its plate far more than it can possibly digest. It's been overwhelmed by time tables and procedures and process. That's my view of it. And what we are seeing now is a frenzied effort to avoid the Gramm-Rudman-Hollings "sequestration" procedures, and the son of Gramm-Rudman-Hollings procedures. I go into this in the final chapter of my book *Politics and the Budget*, the second edition of which, with a critique of Gramm-Rudman-Hollings, has just come out.

Ritchie: Do you think part of it is because the Budget Act was written specifically to try to end the situation that existed under Nixon rather than contemplating the larger issues?

Shuman: No, the part that was written because of Nixon, that is the anti-impoundment provisions, deferral and rescission,

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have worked quite well. They are some of the better parts of the act. So, no, I don't think so. But the Budget Act was a part of Watergate. It was an intricate part of Watergate. It was a part of the Constitutional crisis. I've differed with Alan Schick, who wrote a book about the "budget war" between Nixon and the Congress. It was more than a "budget war." The Budget Act was a part of the bigger Constitutional issue called Watergate. And there was one provision in the House list of indictments that the [Judiciary] committee passed on, which included some of the impoundment actions as a part of the indictment for impeachment. Now, that provision didn't actually pass the committee, and I asked a member of the committee, the Congressman from Madison, Wisconsin, [Bob Kastenmeier](#), about it. He said that they did that with eyes open, because

they thought that Nixon had in fact infringed on the money powers of the Congress in the way he'd gone about impoundment.

Ritchie: Also during the Nixon administration, Senator Proxmire took on the administration in the SST bill. Were you involved with him on that?

Shuman: I was involved in the SST battle because everybody in the office was involved, but I wasn't the chief staff person. I certainly did help on it a great deal. That is, I think, an example of the informing function winning out over what most people think is the way politics work in this town. We went into

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the final phase of that fight about dead-even on votes. There were twelve undecided votes, and at that time I had a beard, and it came out white. I looked like Ernest Hemingway. My children loved it, but the senator didn't think much of it. He never said very much, but he frowned whenever he saw me in my white beard. So did my father.

A day or two before the vote, knowing that there were twelve undecided Senators, and that the president was calling all the undecided people, and knowing something about the power of the president, I told the Senator if he won I'd shave off my beard, confident that he would lose. And what happened? I was sitting in the Senate gallery with a tally sheet, and as the names were called -- and most of the undecided names were at the beginning of the alphabet -- we got virtually every undecided vote. How did that happen, with the entire defense industry against us, the labor unions against us, the White House against us, all the agencies against us, the establishment against us? Well, we organized the grassroots, the environmental groups, and made it a public issue. We got lots of publicity about it, and the victory was an example of what Woodrow Wilson called the informing function working. These narrow political forces were overpowered by public opinion. It was really democracy at work. The Senator was successful, and I shaved off my beard.

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Ritchie: Did that fight cause him any difficulties in his relations with people like [Henry Jackson](#) and [Warren Magnuson](#) and others who were strongly on the other side of the issue?

Shuman: No, not in the long run. There was an immediate friction, a little friction. There is now a first rate member of the House from near Seattle, who was an all-American football player from the state of Washington, who is a very

good tennis player [[Norm Dicks](#)]. I play tennis with him and he speaks to my classes. At that time he was Maggie's legislative assistant, and he was really irate about our victory. But within a matter of a day or two that had gone. Politicians generally don't hold grudges against people on great public issues, because every day they vote with someone who the next day is against them. So politicians get over those things very fast.

Ritchie: On the other hand, the Nixon administration was famous for its grudges. Did they cause any particular trouble for the senator?

Shuman: No, because he never really wanted anything from them. The senator never asked them for anything. He didn't want any judges, he didn't want any dams, he didn't want any military bases. So there was very little they could do to him. He was too independent to worry about that. He didn't need any campaign funds. He was relatively safe politically because of his record.

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Ritchie: It certainly reinforced his image as a person fighting against government spending.

Shuman: Yes. Of course, the big argument on the SST was, the argument you always hear, well, we've spent half the money; we've sunk all of this money and we've got to go ahead, even with a lemon. We worked out at one stage on that bill, that not only wouldn't the fares for the plane pay for the sunk costs for the investment, but they wouldn't pay for the operating costs. We figured out that if every seat was full on every flight, that another sixty seats would have to be put on each wing in order for enough money to come in to pay the operating costs from London to Washington. So it was a silly project. And of course it would benefit only a relatively few people, most of whom had sufficient funds to pay the economic fare for the plane. It was two decades too early. There will be an SST one day, and the technology will make it efficient and cost effective, and then it will happen.

Ritchie: An earlier battle that Proxmire took on and won was truth in lending, and you were involved with both Senator Douglas and Proxmire on that issue.

Shuman: Yes, the Truth in Lending bill was finally passed in '67. It was delayed because [Willis Robertson](#), who was the father of Pat Robertson, as chairman of the Senate Banking Committee, kept that bill holed up in the committee for seven

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years. Robertson was defeated in the primary in '66, Mr. Douglas was defeated in the general election. Proxmire moved up on the committee, took over the Truth in Lending bill, and was very successful in getting it passed. There was some criticism of him, to begin with, that he was willing to compromise on the bill, to too big a degree. Mr. Douglas, who was the father of the bill, never agreed with that. He defended precisely what Proxmire did. He thought the compromises were necessary to get it through the Senate.

Then it went to the House and a Congresswoman by the name of [\[Leonor Sullivan\]](#) from Missouri beefed-up the bill in a way we never believed it would get beefed-up, and put back into it all the things that had to be sacrificed in the Senate. That was an example of a bill which once it got to the Senate or House floor was unbeatable. We always knew that. We couldn't win in the committee, because the committee members, most of them, were beholden to the interests who were opposed to it. So at the committee level, behind the scenes, in the dark alleys of the legislative procedures, the opponents could beat it. But once it got out on the floor and into the sunshine, I think it passed almost unanimously in the Senate. It was beefed-up in the House and the conference report passed again almost unanimously. So Proxmire did a very good job and Mr. Douglas was very supportive of him for what he did.

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There was one thing I wanted to mention about Watergate before we get off that subject. On the Monday morning after Watergate, I was called on the phone by a man by the name of Cyrus Anderson, who was originally from Illinois, the East St. Louis area, who had been the treasurer of the Democratic Party there, which in terms of organization was a stronger organization than the Chicago organization. People don't know that, but they could produce eighty-five percent of the vote across the board in East St. Louis. Cy Anderson also worked for one of the railway unions, and later became a lobbyist on the Hill. Because of a part he played in representing a mail order company out of Chicago, he ultimately went to jail for a short time. Cy Anderson was a diamond in the rough. Very gruff, but soft-hearted underneath. At one stage he came to us to tell Mr. Douglas that a staff member in the Senate had gone to one of the automobile dealers in Alexandria and gotten a car for himself, which was put in Mr. Douglas' name, at the basic cost to the dealer. That was very common then. The major automobile companies would arrange for senators to get automobiles at cost. Mr. Douglas did not know that that was done. Cy Anderson came to say that because the Senator hadn't used the privilege, a staff person had gone ahead and arranged for the dealer to give a car to him in Mr. Douglas' name. The long and short of it was that it was going to be made public that the Senator got a car at cost. We wrote the dealer, and we got him to sign a letter saying that

the senator hadn't bought the car, so the issue died. So Cy had helped us out from time to time.

He called me on the Monday morning after Watergate, and he said, "Senator Proxmire is chairman of the Banking Committee, which has jurisdiction over the Federal Reserve Board. The large bills that were found on the people who broke into Watergate can be traced. You can find out where that money came from. You should call the Federal Reserve and ask them." Well, I did. I called the Philadelphia Federal Reserve Bank, and I called the Miami Bank, because the leads were that these two places were probably where the money came from. I asked them to trace those \$100 dollar bills and tell us where they came from, whose account and so forth. Well, they stalled. Then I asked them to call me back within an hour or two and give me their reply, and they didn't call back. Then we called the Federal Reserve Board in Washington. They had been on the phone with Philadelphia and Miami, and they stalled. They were unwilling to help us at all. They claimed that the matter was sub judice, and that they wouldn't have anything to do with it. I reminded them that they were an agent of the Congress -- the 1913 Act makes them independent of the executive, but they are still an agent of the Congress -- and that it was very important for them to act on this.

They failed to act, and we issued a very, very hot press release which I drafted charging them with stonewalling. It was

dated June 20, the day after the original release announcing what we asked for and which asked them to report to us shortly. The information was available. The second release said: "The Federal Reserve has ducked, misled, hid out, avoided calls, has given us the idiot treatment with respect to our request for the source of the hundred dollar bills." And the release called it "a despicable act, and unworthy of them as an arm of Congress," which was strong language. But it was also true.

Later, when I found that the FBI had for years kept Senator Douglas on a list of people to round up and put in jail in case there was a national emergency, even through the time that he was a Senator, I asked them for my file. I wanted to know what they were going to do with me! I asked them for my file not under the Freedom of Information Act, I just called them up. They were quite willing then to give a senator's aide what was in his file (about him). They called back to say they really didn't have anything except one thing, and that was this request to the Federal Reserve Board. Apparently what happened was that the chairman, Burns,

or his staff, had called the FBI and said, "Please, won't you take this away from us so we can say its sub judice, and there's this fellow Shuman who is calling us insisting that we give him the list of hundred dollar bills." That was the only thing in my FBI file, after all these years. I was amazed at that, because when I went to work for the Douglas

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Commission, I got letters from my British friends saying that representatives of the U.S. had come to them to inquire about me, and they were all writing me saying, "You must be a candidate for a major job in the government." I have reason to believe that what happened was when we got into the rhubarb with HUD that Secretary Weaver or his agents called for full field investigations of us on security grounds, although we didn't handle any security matters whatsoever. It was an attempt by them to find something on us they could use against us. I have a top secret security clearance so they obviously struck out.

Ritchie: It antedated the Nixon administration's similar activities.

Shuman: It did. Anyway, as a result of our request to the Federal Reserve Board, it was found out where the money came from and helped to open up the case. So we had a small part in the original phase of Watergate. It's a minor thing, but I've always felt it was an important thing to have done.

Ritchie: Didn't it go back to a fund raiser who was funding both Nixon and [Hubert Humphrey](#)?

Shuman: It went back to a contributor who was a strong friend of Hubert Humphrey who contributed twenty-five thousand dollars to the Nixon campaign. The money went into a Miami bank,

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and the funds were traced in that way. He was aboard President Eisenhower's plane, in 1961 when I went to Berlin with Senators Douglas and Humphrey.

Ritchie: Wasn't this same Cyrus Anderson involved in the [Daniel Brewster](#) case?

Shuman: Yes, he was involved in the Daniel Brewster case, and that I think illustrates one of the dangers of working in the Senate. My point is that before you take a job up there, or shortly thereafter, you should have thought through how you would act in a series of difficult ethical situations. Daniel Brewster, a Maryland senator, was on the Post Office and Civil Service Committee. It had

jurisdiction over postal rates. The mail order catalog house Spiegel from Chicago had hired Cy Anderson as their lobbyist. They obviously wanted low rates for their catalogs. The Post Office Committee was virtually unanimous in the vote on this. They were all for Spiegel. Cy Anderson had given a Spiegel campaign contribution to Dan Brewster. His administrative assistant took the money and put it in his personal bank account and did not put it into the senator's campaign fund. When this was found out, the AA claimed he had done this on behalf of the senator, that it was a bribe to the senator, and that he hadn't embezzled the funds. The prosecuting authorities, I think a bit zealous to get big fish, indicted Brewster and indicted Cy Anderson for giving a bribe.

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Brewster was ill, and I think he was convicted but never went to jail, but quit in disgrace. Cy Anderson went to jail for a short period of time, I think unfairly. I don't think there was a bribe. I think it was a legitimate campaign contribution. The vote wasn't needed, it was eight to one or eight to nothing in the committee. It was what I would call legal or "honest graft," rather than "dishonest graft," if there is a distinction. I say that because I think that legal campaign contributions are out of control. What I'm saying is that it was a questionable ethical act but not necessarily an illegal act. About a year or so later, the administrative assistant, who was then the treasurer of his national fraternity, was indicted for embezzlement of the funds of his national fraternity. I always believed that both Brewster and Cy Anderson were the victims of a man who had done wrong and then dumped on his superior. I saw that happen two or three times while I was in the Senate. It happened, I believe, to the Senator from Florida, [\[Edward\] Gurney](#), and it may have happened to one or two others. It's one of the great dangers of being in public life.

Ritchie: How did Senator Proxmire handle ethical questions in his office? Spending, contributions, invitations to speak, and all those things.

Shuman: Well, we had some pretty clear guidelines. First of all, we didn't take any gifts in the office. We had a form of

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the Douglas rule that if it was worth more than five dollars or if we couldn't eat it or drink it on the spot, we didn't take it. It never bothered me to have a lobbyist pick up my lunch bill. I didn't think that was wrong. I cleared it with the senator. But he would never ride, for example, in a company plane. In fact, there was one time when he had to fly from Milwaukee to some place in Indiana, which was difficult to get to and would have taken him many extra hours to reach, and a

Milwaukee businessman offered to fly him, said he was on his way down there anyway. The senator refused to do it. So we were very careful about that.

There was one time when we were complaining about people using military transport planes in the executive branch to go here, there, and yonder, sometimes on private or personal business or when commercial transportation was available and cheaper. It was an abuse both by members of Congress and by members of the executive. I remember, the head of the Energy Department under Nixon, at the time of the oil crisis, when he was urging everybody to save fuel, flew down to New Orleans or somewhere in that area on a military plane, which had four engines, and cost like fifty thousand dollars to fly down and back. We showed that there were all kinds of commercial flights, even first class, that he could have taken in the same period of time for one twenty fifth of the cost.

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There was one time when the senator flew out to Lake Forest, Illinois, by commercial airline for the funeral of his sister, when Bob Byrd called just at the very moment of the funeral and asked him to fly back for a very important vote. He did come back on a military plane, but he reimbursed the government for the cost. When we exposed these other flights, many years later, this issue came up. Somebody was about ready to charge him with "being another," as the saying goes, hypocrite, but he'd saved the receipt and had it, so nobody ever raised that issue about him.

Proxmire refused to take trips abroad. He didn't take junkets abroad. I think he should have flown abroad. The Senate appropriates billions for defense and other programs abroad, such as foreign aid, which he was in charge of. I think it would have been a very useful thing for him to have examined, and to have looked at some of those foreign aid programs as chairman of the committee with jurisdiction over them. But he refused to do that.

What we did about speech-making was very interesting. He got hundreds of requests to speak, and often was offered something like a thousand or two thousand dollars for the speech. There was of course a limit on how much a senator could make on outside speech-making. I think it was about twenty-five thousand dollars a year. So by giving two speeches a month at one thousand dollars or one speech a month for twelve months at two thousand dollars, he could reach the limit. He would ask his staff about it. If it

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was a banking group he would ask the staff director of the Banking Committee about it, and if it was any other speech he would ask me if it were right to take the fee. I would call the organization and casually ask about the speech, when it was, where it was to be, what the circumstances were, who was to be there. Then I would always casually ask them if they had any legislation before the Senate. They'd almost always say, "We have a bill, or we don't have, no we don't." If they had any legislation before the Senate, that was an automatic turn-down, so there wouldn't be any conflict of interest.

In the old days, when I was with Senator Douglas, he did much the same thing, and he generally took a speaking fee only from academic, university, or community organizations that sponsored major speakers. Further he needed the money to help pay his expenses, as the small states then did not give the big states enough to cover their routine expenses. [Herbert Lehman](#) contributed about \$85,000 a year of his own money to keep his staff. The big states were held in bondage by the small states. But as time went on, and as the federal government got into more and more activities, especially education, it got to the place where there was almost no group one could speak to that didn't have some kind of a major conflict with legislation in the Congress. But we routinely turned down any request where there was the slightest conflict. He still was able to speak enough to reach the limit.

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Now, there are people who don't know about government, or about senators' time, who say "why wouldn't a senator speak for free?" Well, he did speak for free in his state, and dozens of times a month, but very few senators are going to fly to Los Angeles on Saturday, make a speech Saturday night, and fly back on Sunday on their weekend and do it for expenses. Why should they do that? The voters who elect them aren't there. He's got other things to do. He hardly sees his family. He could be in his own state. So those are reasons people are paid to speak. But it has gotten to be a racket, where interest groups with massive legislation before the committees on which senators are members pay them thousands of dollars to make a local luncheon speech. The banking community does it. A variety of interest groups do it. I think it's a scandalous situation. Everybody says you can't bribe them for two thousand dollars, and generally that's true. It isn't a direct bribe, but what it is is a form of entre. They get in the door. They get their position heard in a way that the ordinary citizen does not.

Ritchie: Of course, on the other hand, the people whom a banking organization would want to hear would be the chairman of the Banking Committee. They wouldn't necessarily want to hear anybody on Foreign Relations or Agriculture.

Shuman: That's true.

Ritchie: So presumably there is some affinity between the two. But then the question comes: where is the ethical line? Where do you step beyond?

Shuman: The answer to that, for Senator Proxmire, was easy: he spoke to banking groups from Wisconsin and without a fee.

Senator Proxmire was uninterested in patronage. He was delighted when they ended the postmasters coming under the patronage of senators. On judicial appointments he appointed what are called "blue-ribbon committees" in the state to make recommendations, and he more or less automatically forwarded their recommendations to the Justice Department. Now, I'm not certain I agree with that policy, because what happened was that the patronage then became who we were going to appoint to the committee, and there were all kinds of people who wanted to be appointed to the judicial selection committee. The second thing about it was that what it did was to put the patronage in the hands of the Justice Department, and mind you, they treated it as patronage in the same way that a lot of senators did. They had their friends they wanted to put into judicial spots, some of whom were quite undeserving, some of whom were not very good candidates. So it's a conundrum.

We did the same with appointments to the military academies. We had blue-ribbon local community groups who decided who would be

selected. Of course, actually, what really happens is that the academies and the services select those people. Because every senator, I think, sends them a list of people who pass the exam, and the academy essentially selects the ones they want. So that patronage is now the patronage of the academies, and they're not all that pure either about who comes. So it's an unending and difficult problem. But Senator Proxmire was uninterested in this. He thought that it wasn't worth the candle, that he made more enemies than friends in doing so, and that it was better not to select them.

I have in my file here a case about a doctor who came in one day. It was several years before the senator was running again. He gave the senator's personal secretary an envelope with ten one hundred dollar bills in it. She gave it to me but he left before I had a chance to open it. I opened it. Earlier this fellow had come to the senator and asked if the senator would help his brother get a job at the World Bank. He lived in the District of Columbia, and had no representative. The senator was then chairman of the District of Columbia appropriation

subcommittee, and he did in fact write to the World Bank on behalf of the brother. Then later, the man dropped by to give this campaign contribution. I opened the envelope and found \$1,000 in \$100 dollar bills. I drafted a letter immediately thanking him very much for his note and saying to him that what we did for his

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brother was the kind of service the senator performs routinely on behalf of citizens of the state or stateless citizens, and it was a service for which no charge of any kind was made, and that while he appreciated the thousand dollars, it would be unethical and improper for him to accept it under the circumstances, and that "I am immediately returning the ten one hundred dollar bills which you gave to my secretary only a few moments ago." We sent it by registered, insured mail, and I still have in my files the bill numbers and the receipt to be able to prove that we had immediately acted on this case and in this situation. But that's what we generally did: if there was any question about it being unethical and improper, or a payment of any kind of a service, we sent it back.

Ritchie: One of the reasons why Senator Proxmire could send that money back was that he rarely spent much money on his campaigns. He spent less than two hundred dollars on his last campaign.

Shuman: This was in 1971 -- I think he was reelected in '70, so this was a year after he had been reelected, when he didn't need any campaign money. But in '70 he'd spent about three hundred thousand dollars. It wasn't until the next election he decided that he would try to run without any funds whatsoever.

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Ritchie: How is that possible? Every senator complains that he needs hundreds of thousands of dollars for television commercials. How can a senator run without spending any money?

Shuman: Well, you can't run without spending any money. Senator Proxmire had to spend I think a hundred and seventy-seven dollars in one of his campaigns to pay for forms and postage for the nominating petitions. What money buys in a campaign is name identification and television time -- or it buys television time whose purpose is name identification. He was in every county in the state every year. At least once every four years he talked to almost every high school in the state. He went back to the state every weekend. We tried to make news, national news, which is better than paid ads. So, by the time he had been in the Senate eighteen to twenty years, he had name identification. His probably was the best-

known name in Wisconsin. He shook a thousand hands every day he was in the state. He made it a routine to do that. The senator used to say the best place to campaign was outside a hockey rink in Madison, Wisconsin in January on a night when the temperature was several degrees below zero. It was a good place, first, because citizens like to see their politicians suffer. Second, it was so cold no one would stop to talk and thus he could shake the hands of everyone who went by.

He had name identification, so he was able to run without billboards, without TV, without bumper stickers, without ads of

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any type, without any literature. The only thing he had to pay for, essentially, was for the sheets and the stamps to mail in the signatures needed to get his name on the ballot. He also paid for his hotel room, gasoline for his car, but those were expenses which didn't have to be reported to the Federal Election Commission. So his reported expenses were about one hundred and seventy-seven dollars.

He also agreed to debate all of his opponents, which almost no one else does. It goes against the conventional wisdom. So he got a lot of free TV time, against his opponent, to be seen. That is how he did it, and he won with overwhelming proportions of the votes. I think as much as seventy-two percent in one election.

Ritchie: When he deliberately underspent, did that put the onus on the opposition, that they can't spend too much?

Shuman: Yes, there were complaints from one of the candidates who ran against him, that he was unable to raise money because his friends said, "Well, if Proxmire can run without money, why can't you?"

However, he never promised not to raise money. He announced each time that he was going to try to run his campaign without raising any campaign contributions, and he was able to do that. But he left the door open so that if there were a big smear

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campaign the last week he could raise the funds to answer. But he never had to do it. It freed him. He wore no one's collar. He could vote as he thought right on the Banking Committee, and he was really relieved at being able to vote without obligation to any interest group. Mr. Douglas used to say that in the Senate he

had to face more ethical problems in a year than most people face in a lifetime. And he often said that when he was with the Marines in the Pacific the Japanese were after his body, and that in the Senate people were after his soul.

Ritchie: You mentioned earlier about the ways that Senator Proxmire's office operated, and I wondered if you could say a few words about that.

Shuman: We didn't have a military line operation. We had a method by which power was reduced into clusters. It wasn't a line organization. We didn't necessarily hire people from the state. One of the questions I ask my students in Congress courses is: what would you do if you became a senator? Would you hire the county chairman's son or daughter? (Provided he or she were competent to do the work.) Our answer was no, that if we hired the county chairman's son or daughter and he or she didn't work out, we couldn't fire her. As far as Senator Proxmire was concerned, people didn't necessarily have to come from his state. He hired people on the basis of their ability and their expertise, which I thought was a very good way to do it. Different people do

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it in different ways. Everyone in the office had the right -- that is, all the legislative people -- had the right to see him directly, and he worked with them very directly, which was his way of functioning.

We had relatively small turnover. We paid our staff well, but we nonetheless returned a large proportion of our money to the Treasury. Those were the key principles. I did not administer the office. On the whole, his personal secretary did the administration of the office. We had a person who worked with her who did things like buying office supplies and machinery and other administrative details. I wasn't involved in those at all. I think it's a waste of the time and funds to have the administrative assistant doing those kinds of things. You don't need to pay somebody as much as they paid me to do that.

We had high esprit in the office. People were very competent. We had very little turnover. There was great loyalty to the senator and to the main thrust of his efforts.

Ritchie: What about other senators from that period? Did you work closely with any besides Senator Proxmire?

Shuman: I worked with a lot of senators over the years. I worked closely with [\[Walter\] Mondale](#), when he was in the Senate, both when I was with Mr. Douglas and with Senator Proxmire. In one case, I went to him when he went on the Finance Committee,

urging him not to go on the Finance Committee. I called him and asked to see him, to tell him that I thought it was a mistake. The reason I did was the experience I had when Senator Douglas was on the committee. I told him that if he went on that committee he would have to do one of two things: number one, he would have to take on the most powerful economic forces in the country, day in and day out, or two that he would have to look the other way when they came in for their largess, and that he would be unhappy with himself if he did that. If he took them on, fought them, then I thought it would ultimately mean his defeat politically, because I think that was some part of why Mr. Douglas was ultimately defeated. He took on the oil interests and other major tax favored groups in the Senate committee. Ultimately, those pressures drove him out.

Then Senator Mondale said: sorry, that he had another reason to go on that committee, which had to do with the budget. The Finance Committee now has jurisdiction over more of the budget than the Appropriations committees or the Budget committees. It has all the jurisdiction over one half the budget, namely the tax side. And on the spending side, the Finance Committee has jurisdiction over half the budget: they have Social Security, they have Medicare and Medicaid, they have all the welfare programs, they have unemployment compensation. They have jurisdiction over the debt, and the debt ceiling, and the interest on the debt.

If you add those up, they have jurisdiction over all the revenue side and half the spending side or three-quarters of the budget. They are the most powerful committee in the Senate now, and historically they have been the most powerful committee in the Senate. They've had several future presidents, several former Speakers of the House, the biggest names in the Senate, and future vice presidents who have served on that committee.

Mondale said, "Well, I'm now on the Labor Committee. I'm most interested in issues such as unemployment compensation, and welfare, and issues of that kind, which nominally the Labor Committee has jurisdiction over. But every time I turn around, the Finance Committee has jurisdiction over the issue." So he said he wanted to go on for that reason, and he did go on, against my advice. But he shortly became vice president.

There's one story I want to tell about him. I got to know him pretty well in the Senate and I liked him. Something that really didn't come over on TV when he ran for president was his wit. The man is extraordinarily witty and quick on his feet. We had a nomination, when Carter was president, for Secretary of the

Treasury, a man who had been chairman of the Federal Reserve Board, who was from Rhode Island, and who was head of a helicopter company.

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Ritchie: Michael Blumenthal was Secretary of the Treasury, but there was someone else who came after him.

Shuman: It was after Blumenthal. It was G. William Miller. But anyway, it was a very controversial nomination, because the company, Bell Helicopter, had sold helicopters to Iran, and it turned out that the representative of Bell Helicopter in Iran was the Iranian equivalent of our chief of staff of the air force, and he was getting five percent or something for all the helicopters that were sold. We asked the nominee about this. He was known as a very hands on chief executive officer, and had spent six months or so in Iran. We had a member of our staff with us then for part of a year, John Washburn, who was a political science fellow from the State Department, who had been in Iran, in the commercial section when Bell Helicopter was doing these things. The candidate for Secretary of the Treasury insisted that he knew nothing about the fact that the chief of staff of the Iranian air force was in his employ. Our fellow, who was a senior foreign service officer, told us that everybody in Teheran knew it. It was no secret. So we had great trouble believing the testimony of the candidate -- Miller, G. William Miller. We called on his subordinates to testify, and they said they knew it but they never told the boss. It was the Poindexter argument, they hadn't told the boss. We were reasonably certain, although we couldn't prove it, that Miller knew. We were giving him a very, very hard time.

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Later after the embassy was sacked by the Aylattolah the evidence came out that Miller knew.

Well, I was at a banquet -- it was the week Hubert Humphrey died -- the White House Correspondent's Banquet, and Bill Eaton was the president. Bill Eaton had been with the *Chicago Daily News*. He's now in Moscow as the *Los Angeles Times*' representative, and a group of us spent a week with him last April and May in Greece. He's one of my long-time friends. He as president invited my wife and me to the dinner. We sat at the table just below the head table, in front of the speaker. Mondale was the key speaker that night. So while I was eating, he motioned me up to the platform, and said, "I sure wish you'd help us with the Miller nomination." I fenced with him saying "I'd like to help, but you know what my problem is: the man I work for sometimes thinks he is senator." He came

back immediately and said, "I understand. The man I work for sometimes thinks he's president," which I thought was a very, very quick response.

Ritchie: That raises the question of Jimmy Carter. After the Nixon and [Ford](#) administrations, I suppose that Democrats like Proxmire were looking forward to the return of a Democratic administration, but it wasn't quite the same as previous Democratic administrations. What was your assessment of the Carter administration?

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Shuman: Well, I think we were all somewhat disappointed by Carter and by the Carter administration, although history may treat him reasonably well. He made the same mistake Nixon did in surrounding himself with people who hadn't had any Washington experience. That was true not only of the immediate White House staff, but it was also true of his director of the Bureau of the Budget.

Ritchie: Bert Lance.

Shuman: Bert Lance. We were deeply involved in the Bert Lance matter. In fact, we were responsible really for his downfall. Bert Lance had banking connections, and when he came to be confirmed, not by us but by the Government Operations Committee -- and he was confirmed under a bill that Proxmire had put in which required the head of OMB to be confirmed. I think he was the first one to come under our bill, because the person who was there at the time we exempted, so that it would only apply in the future, in order to get the bill through. Bert Lance was the first one, so we were concerned about how they did it. He had banking connections, but he didn't want to sell his bank stock. He said please give me a year or so to get rid of my stock so I don't have to dump it on the market and lose a lot of money. That was agreed to, but it was also agreed that during this period he would not, as head of OMB, take part in any banking matter. If there was banking legislation, he wouldn't

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sign off on the recommendation either for it or against it. He would have nothing to do with it.

Well, we had a piece of banking legislation we were very interested in. It was a Proxmire bill. I can't remember precisely what it was, but what happened was that Bert Lance sent up a letter to the committee, signed by him, saying he was against the legislation as head of the OMB, in violation of what he had agreed to do. That was number one. And then, number two, he asked at virtually the same time for an extension of the time to get rid of his stock.

We had a small meeting with Lance, with his assistant, a fellow who was from Georgia, Senator [\[Edward\] Brooke](#), who was the ranking Republican, Senator Proxmire, myself, Brooke's man, and the staff director of the Banking Committee, Ken McLean, seven in all. We met with Lance in an Appropriation Committee Room just below the Senate floor. If I hadn't had those years with Lyndon Johnson, I would have been taken in by Lance. Lance was exactly like Johnson: he had lined up all his excuses. He told us of all the great sacrifices he was making to come up to Washington, what an honest man he was, on and on and on. He had the gift of gab, and he gave us the Lyndon Johnson treatment.

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It was interesting to me that the two other staff people were taken in by him, they wanted to extend the time. They swallowed what he'd said, lock, stock and barrel. I didn't because of the previous experience of watching people like that operate. He was the kind of salesman I saw at the county fair selling patent medicine. But the most interesting thing to me was that neither Proxmire nor Brooke were taken in by it, at all. They were very polite to him. I think he left thinking he had convinced them, but within minutes after he had left both Brooke and Proxmire wouldn't have anything to do with it, and they reported to [Abe Ribicoff](#), the head of Government Operations, that that was their position, because Ribicoff had asked them what they thought. He was willing to take their advice from the Banking Committee to the Government Operations Committee on what to do about it. Ribicoff turned the Lance request down. As a result of that people looked into his finances. There was an investigation by the Comptroller of the Currency, over whom we, i.e., the Banking Committee had jurisdiction, a very fine fellow from New York, John Hyman, who made a splendid report. Several years before I had commissioned him to do a study for the Douglas Commission. When Carter got the report, before reading it because it was a devastating report, Carter gave Lance a clean bill of health. So we were involved, I think, with both Mr. Miller's problems and Mr. Lance's problems in the Carter administration.

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The point of the story is that Carter put into key positions people who had had no Washington experience, and he had campaigned basically that he was going to

reorganize the government. He was going to make it an efficient government, and he put into the key job to reorganize the government, the man who managed the government, a person who had absolutely no Washington experience, Lance. I don't think any of his immediate staff had a day of Washington experience. That was a tragic mistake on Carter's part, just a big mistake.

I worked with his staff when they were campaigning in 1976. A group of us, whom we called the "Chairmen's Men" -- I suppose now we would call them the "Chairperson's Persons" -- met several days a week for breakfast. Either the staff directors of the Democratic controlled committees, or the AAs in the key senators' offices, or both, worked with the Carter people to issue press releases on subject matters in our area which he was speaking about the same day, to back him up and to reinforce what he was doing during the election campaign. I was much taken with Carter's people because they were very self-deprecating. They didn't take themselves too seriously. This was shortly after the Nixon problems, with Ehrlichman and Haldeman and all the people we saw, and it was a breath of fresh air. The one thing I will say about them, and I said at the time, was there was no danger of this crowd ever trying to take over

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the government, to have a *coup*, to be a part of the Imperial Presidency. And that turned out to be true. But they were very inexperienced and they were very poor legislative liaison people.

I would say if I had any one criticism of Carter is that he, unlike what Reagan did in his first year, failed to take one or two really major issues, push them, win on them, and then go forward. He proposed too many things, which took too much political clout to do all at once. I think history will treat him more kindly than he's being treated now. But those were the flaws I saw. Carter should get credit, lots of credit, for the Panama Canal Treaty, for his emphasis on human rights, for the Egyptian-Israeli Agreements, and for getting all the hostages back from Iran without loss of life. His successes clearly outshine his minor failings.

Ritchie: Early on, Carter took on the entire Congress on the issue of water projects. How would you assess that? On one hand he had some legitimate complaints. . . .

Shuman: Absolutely legitimate.

Ritchie: But on the other hand he made a lot of enemies.

Shuman: On the problem of water projects, base closings, and pork barrel, if I were a president, which I obviously am not,

I think I would do it differently. I would not send up a list of twenty projects that were going to be stopped all at once, because all that does is to bring a coalition against the President. People scratch each other's back. I think if I were giving advice, I'd suggest the president pick them off one by one. I would isolate each project one by one, rather than to have a list at a specific time of twenty bases to close or twenty projects to do away with, and I'd do it quietly. The way to do it is to just tell the agencies which are involved not to budget them, and don't announce it. Let each senator or congressman howl about it, but if you don't have a coalition, there isn't much they can do. I think that's the way I'd do it politically. But he was absolutely right in trying to do it. Another way to do it is to take functions away from bases by administrative actions without closing them.

Ritchie: But he in a sense put himself against the entire Congress.

Shuman: Well, I don't know how strongly members feel about these things. Their constituents put intolerable pressure on them. They make a lot of noise about them, and they cater to their local interests. Whether senators and congressmen care deeply about them, I'm not clear. I think they think politically they have got to oppose a president who tries to close down something in their state or district. The problem

is the schizophrenia of the public who want frugal government for others but not themselves.

Ritchie: How well did Senator Proxmire get along with President Carter?

Shuman: Pretty well. He wrote Carter before the inauguration urging him to walk, not ride, in the parade, which Carter did. Carter called him from time to time, but mostly they were calls on his birthday and things like that. The senator turned down almost all invitations to the White House. I don't think he ever went down to a dinner party or social occasion. He automatically turned them down, as he did from every president. I had calls from the White House asking me for his unlisted phone number, and I turned them down. They got very angry with me. They said, "the White House wants it." I said, "Well, have the president call him then." We did not give out, even to the White House, his unlisted phone number.

At the end of the Carter years, the last few weeks of the campaign, I got a lot of calls at home from the Carter White House. Having worked in his 1976 campaign, but then been ignored by them for years, I got a lot of calls at home. Betty would

answer the phone, and she'd say, "Howard, the White House is on the phone." I'd take the phone and they'd say, "Could you do this or that or the other?" My answer to them was, "Where the hell

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have you been for three and a half years?" I told them that almost every time. They essentially ignored Congress in the intervening years. I read in Speaker [Tip] O'Neil's new book [*Man of the House*] that he felt the same way about them. It was a curious group.

I was going to mention a couple of other things: people often ask how does a senator vote? Does the staff have excessive influence on him? It's a perennial question, mostly raised by critics of Congress, people who don't have much knowledge of Congress. But in our case, I would say so far as the senator's votes were concerned, the staff had very little influence in the sense that he was his own man on how to vote. He wanted to know on a budget vote if the amount was over the budget, in which case the vote was automatically no. On banking issues, he made up his own mind because he knew the subject matter very, very well. And on almost all economic issues he knew the subject matter very, very well, and there was no way I could dissuade him from the way he was going to vote, even if I disagreed with him. Generally, I did not disagree with him. I agreed with him on most things.

He would want to know how he had voted on the same issue previously, so that he could be consistent, because if he were inconsistent the papers would pick it up and say he was inconsistent. So consistency was an issue on how he was going to vote.

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Certainly it was true that on environmental issues, on issues affecting defense, he did listen to his staff. But his staff had to present to him the issues in enough detail that he had enough information to make a judgment, and he made the judgment, not the staff. We did not pull him around with a ring in his nose! There was no way we could do that. He was very, very independent, often voting against the advice of his staff, especially on issues like abortion and the Constitutional amendment on a balanced budget. All the time I was with him, I convinced him not to vote for the latter. After I left him, he voted for it. He said the situation had gotten so bad that he felt he had to do it. I was always against it. I still am opposed to it. I think it's absolutely unworkable and has no place in the Constitution. He made up his own mind on voting. So did Senator Douglas. It's an illusion of the public that somehow the staff people can tell them how to vote,

and have unusual influence on them. I could tell him, "Senator, the vote on that is yes." Or "Senator, the vote on that is no." But I said that knowing for example that the amendment was over the budget, which was an automatic "no" vote. There were certain principles involved when I did that.

I want to mention one other thing that goes back to the Nixon administration. I guess it was shortly after the Watergate break in, in '73, during the second term of Nixon. There was a situation having to do with the Bureau of Labor Statistics. The

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press conference that was routinely held, usually I think the last Friday of the month or the first Friday of the month, when the statistics on unemployment were released, was canceled by the Nixon administration. The BLS, Bureau of Labor Statistics, was an absolutely honest agency and extraordinarily professional. They never juggled the figures. Their press releases were about as objective as anyone could ever write. There were periods when there was bad news, and they released it objectively. The President got the figures the night before. I think the chairman of the president's economic council got them, and the Secretary of Labor. I think they were the only people outside the BLS who knew the figures. Certainly we never got the figures ahead of time, even as chairman of the committee with jurisdiction over the figures.

The White House canceled the press conference because of the bad news. They shot the messenger. The Secretary of Labor and the White House then issued their interpretation of the changes in the unemployment figures. We thought this was very bad. When you consider how important the unemployment figures are, the senator reasoned that if an administration in order to win an election was willing to stage a crime, a burglary as in Watergate, certainly it would be willing to jiggle the unemployment figures, which was much less of a crime. If they were going to go as far as they did, they would be willing to tamper with the figures, and we

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weren't going to have this. What happened at that time is that Proxmire as chairman of the Joint Economic Committee called the head of the BLS up to Congress and we held a hearing at ten o'clock, in place of their previous nine o'clock press conference. We invited all the press to come in. And that hearing still goes on to this day. Its purpose was to make certain that the figures were not tampered with, and they never have been tampered with.

At that time the head of the BLS was out of the Bureau of Economic Research in New York. It was the preeminent group of economists on business cycles and unemployment in the country. Arthur Burns once headed it. I've forgotten his name now, but the BLS head was a very honest, very dry, totally lacking in personality, statistician. He carried water for the administration. He never, ever said a bad word about them. He never criticized them. He didn't praise them, he was just as objective as he could be, but he was an absolutely down the line supporter of the Nixon administration. After the 1972 election they fired him. They replaced him for no reason at all. In the past, that position had been held for as long as the person wanted to stay. A competent person was put in and kept through one administration to the next, which I think is the proper policy. We were responsible for those unemployment hearings, and I was the key staff person in the senator's office for them and usually wrote the senator's introduction statement. I got the release at nine in

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the morning and by ten o'clock when our hearings started I had written the statement. The hearings were also an outcome of Watergate.

Ritchie: It's an interesting thing about presidents like Johnson and Nixon: they got so sensitive on every issue, as if everything that the government did was a reflection on them, and as if they could somehow control every aspect of it. Especially in the Nixon administration it seemed pathological.

Shuman: It was. He was paranoid about it. They looked upon everyone as their enemies. They were surrounded. That of course is not a new statement, I think most people agree with it.

There was one other item about policy, and that's the way Senator Proxmire treated nominations. I think, although this sounds odd now in the middle of the [Robert] Bork nomination, for the most part the Senate has allowed the advice and consent procedures to atrophy. The general position the Senate takes on a nomination, short of the Bork nomination, is that the president has a right to have the person he wants. Certainly this is the position about most cabinet members. It is the position on judges for the lower courts, and on military nominations. Not one or two times a year is a nomination contested, or at least contested for the right reasons.

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The Senate takes the view, generally speaking, on nominations that unless the person has shot his or her mother or robbed a bank, he or she is quite capable of

running the government. That was not Senator Proxmire's position at all. He thought people going into a job, to the Federal Reserve Board, to the Treasury, to HUD, wherever, should have considerable experience in the field, and he used the example of a football coach. His example was that if George Allen, who had been the coach of the Redskins, was proposed as Secretary of the Treasury, everybody would vote yes on that nomination because he'd had a spectacular career, was an able fellow, hadn't robbed a bank, hadn't killed his mother, and had a winning football team. The view was that one competent in one field, obviously could run the government. It was a bit like the old Oxford feeling that if a person knew how to read Greek and Latin he could run the Foreign Office. That in general was the attitude. Now, one wouldn't take the present Secretary of the Treasury, Mr. [James] Baker and say because he's a very competent man, he's been in the White House, a man of great authority on areas of taxation and finance, he ought to coach the Redskins. He would be turned down. Everyone would think that was silly, but the Senate on the whole has taken the position on advice and consent that senators don't ask too many questions.

What happened, time and time and time again, was that a candidate for a major office would come up to the Senate, and

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would visit members of the committee one by one. Members of the committee would ask him how his wife was, and his children, and try to find some area they both had some common feelings, the old college ties, and when the nominee left after having not discussed for a single moment any of the issues connected with the job, the senator would say, "Fine, I'll support you at the hearing." Then we'd hold a hearing, and we would find that the nominee hadn't robbed a bank or killed his mother, but knew nothing about the field or had had some serious problem in the past. It happened many, many times, especially with members of the Federal Reserve. In the case of [William] Casey when he was up for the SEC -- he was later the head of the CIA -- because his record in financial dealings was about as close to the wind as anything I had ever seen. I mean, the man barely escaped going to jail about a half a dozen times. He was a conniver. We'd bring that out and members would say, "Gee, I didn't know that. He came to my office and I promised to support him, because I liked his blue eyes or the way he parted his hair." That wasn't true with Casey, because he didn't have any hair. So a superficial judgment is generally made about candidates for some of the highest offices in the land.

Now, I think that in the case of a Supreme Court justice, there is a somewhat different standard. But even there it only happens rarely that tough questions are asked. I did not object to the way Bork was queried by the committee, and I did not think,

contrary to much that I've been reading in the press the questions were in any way improper. Maybe there were one or two, but basically they were not improper. They didn't go into his personal life. They dwelt on what he had said, his speeches, and his decisions and what his views were on the Constitution, which I think were perfectly legitimate things to ask him. But I think Senator Proxmire is one of the very few people in the Senate to hold the views he holds about the procedures on nominations. He very often voted against nominees. There were many, many votes 90 to 1 when he was the only one to vote against the nominee. I think he voted against about a third of the nominees for Reagan's cabinet, and for Carter's cabinet, and for Nixon's cabinet, on grounds they weren't competent in the field that they were appointed to manage.

Ritchie: Although it seems that on cabinet nominations the Senate has generally felt that a president deserves to have. . . .

Shuman: The president can have anyone he wants, yes. That is the view of the Senate. I think that's a wrong view.

Ritchie: Whereas on Supreme Court nominations they have turned down a much larger percentage.

Shuman: That is true. But I think the Supreme Court is almost the only area where that is true. Of the thousands of military nominations that go through, almost no one ever objects

to a general. I think in all the time I was on the Hill there was only one general, and he was a fellow, Lavelle, who had been in charge of the illegal bombing and had jiggered the records on what was bombed in Vietnam. We opposed him. I did the staff work which was very detailed. The navy also bombed illegally, but they didn't get caught! Senator Proxmire's attitude on nominations is an interesting side of his record.

On sponsoring bills, the policy of Senator Proxmire was that he rarely sponsored bills he didn't have control over. He early found out that if he sponsored a bill that went to some other committee, foreign relations, or commerce or whatever, it was difficult to get anyone on that committee to take it up. The committee didn't take it up, and therefore the bill went nowhere. So in the next campaign the issue would be raised: "He introduced fifty bills and not one of them ever passed," which is always used in a campaign. So it was our policy on the whole, in

sponsoring, introducing them, and in cosponsoring bills, that we didn't sponsor a bill unless we were involved directly, that is when we could call a hearing, call witnesses, and so on.

There's one other thing Senator Proxmire did I think was very good. He was way ahead of the curve, as they say, on ethical matters, on opening up Congress, on issues like seniority, on creating subcommittees, on the general change that has come I think for the better over recent years in the Congress. As chair-

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man of the Banking Committee he was the first chairman to hold open mark-up meetings. I may have mentioned to you before that he asked every member of his committee what bills they wanted to push. He put his income tax returns in the *Record* more than twenty years ago, and has done so every year since then. He has paid attention to duty in a way that's unequaled by any senator, in the sense that he has not missed a vote for more than twenty years, and in the sense that he's gone back to the state every week, or every other week over thirty years. He's done both the job he's supposed to do with respect to representing the people of his state, and he's done the job in the sense of doing his duty in the Senate by not missing a vote, which is really the only unique thing a senator can do. That is: to vote. No staff person can vote for him. He can't vote by proxy. He must be there. He's done both jobs in a unique way.

I therefore thought that when he decided not to run again -- about which I was flabbergasted, I was certain he was going to run again -- I ended up thinking it was a class act. Here was a man who would be seventy-three shortly after he was reelected, if he ran again, and seventy-nine, almost eighty when his term was finished. He is now number two in seniority in the Senate, after [\[John\] Stennis](#), in the Democratic party. With Stennis stepping down Proxmire would have become [President Pro Tem](#) and probably chairman of the Appropriations Committee. To give up that power

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voluntarily was a pretty classy thing to do. As I thought about it I recalled things such as putting his income tax returns in the *Record*, holding open hearings, which at the time were very difficult to do. Those actions were unique. So I shouldn't have been surprised.

The reason he did it, he told me, was that he had watched so many of his colleagues, some of whom are there now, specifically Senator Stennis, and in the past people like [Murray](#) from Montana, [Joe O'Mahoney](#) from Wyoming, even

perhaps Mr. Douglas, stay too long. Mr. Douglas didn't stay too long, but it might have been too long if he had been reelected, although it did turn out that he didn't have a stroke until after his term would have ended if he had been reelected. But Senator Proxmire thought that he did not want to leave the Senate at age seventy-nine with people saying he'd been senile for two years before he left.

I think in a very real sense it was a classy thing to do, and on reflection I'm not as surprised as I was initially. About a week before he announced he was not going to run again, two of my friends from the *Milwaukee Journal* asked me what I thought, and I assured them without question he would run again. I think he would have won the seat easily. I think he is going to last another six or seven years without becoming senile, and if anybody can survive to age seventy-nine, he's the one, given the way he

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takes care of himself. He doesn't smoke, doesn't drink, still exercises faithfully, gets a lot of sleep, eats a good diet, and does all the proper things.

Ritchie: Maybe everybody deserves some time out of the Senate as well!

Shuman: Well, the Senate is so much of his life I really don't know what he'll do when he leaves the Senate. I think he will be lost for a time. There is life after the Senate, as all kinds of people will tell you, as I can tell you.

Ritchie: How did you decide to retire in 1982?

Shuman: I made a deliberate decision to retire. Several things happened. Number one, as I told you earlier, I taught before I started to work in the Senate, and I like to teach very much, but I was starved out. The year before I went to work for Senator Douglas I was looking around for another job. I spent the summer here, took the foreign service exam, applied to the *Washington Post*, was offered a job at the *Post* and WTOP. Several things happened, but I really had to have another job because I couldn't afford to teach. I decided along about 1979 or 1980, certainly when the Reagan people came in and I knew there would be at least another four years, and maybe eight years before there was any possibility I could move to the executive branch -- which I didn't particularly want to do in any case -- that I wanted to

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go back to teaching. I did that for several reasons. One is I wanted to teach, and two with the retirement income I could afford to do it. Number three was that I

was fearful that I would become a time-server if I continued in the Senate. I had seen that happen, especially with people on the Appropriations Committee staff who had been around for twenty-five years and really got to the place where they were just serving time. I noticed that while the job was extraordinarily interesting and exciting and I still wanted to come to work everyday, that almost everything that happened I had seen happen before in one form or another. That was a condition.

Another reason was that there was no future. I couldn't be promoted to be senator. I was in a cul de sac, there was no place to go. I could stick in the same job for another six or seven years perhaps. Then, there was an indignity, I thought, and still do, that for one period of eight years and another period of three years, eleven years out of thirteen, I got no pay raise of any kind at all, because a senator's staff cannot get any more than the senator. All of us of the senior staff were within a thousand dollars of the senator. For all these reasons, I decided I would go back to teach.

I spent about two years before I left looking for the right spot. I was determined not to become a lobbyist. I had seen former colleagues do that and make a pile of money, but when they

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came back to the Hill I felt they did so apologetically and with their tails between their legs. So I decided not to do that. I picked four or five places I wanted to teach, both because of the university and because of the climate, the geography, and I was offered a position at Santa Barbara, to fill in for Roger Davidson, who is now the chief expert at the Library of Congress on Congress and who has written a number of very excellent books about Congress. He and his friend, who also works at the Library, Walter Oleszek, I think are among the very best academic writers on Congress. He was here on a leave of absence from Santa Barbara to decide whether he was going to stay here or not, and I filled in for him at Santa Barbara, teaching courses on Congress, on the presidency, on public policy, and doing a very interesting course called the Simulated Congress where we picked students to represent members of the House, gave them districts, and had a Congress meeting once a week for most of an afternoon, subcommittees and committees and so on, which I ran because I had had the experience. I enjoyed that very, very much.

I came back to Washington basically because my wife preferred to live in Washington rather than Santa Barbara, for a variety of reasons. So I am now teaching at the National War College, and I enjoy it very much. I teach Congress, the presidency and the Budget. I spent yesterday afternoon on the Hill with forty-five of my students from about twelve-thirty until five. In the

Senate gallery we saw a Senate vote. I took them around to the Appropriations Committee office. We were with a group from the national press waiting for Bork to leave the Senate. We went through Proxmire's office and I showed them what a Senate office was like. The previous week he had talked to them in his office. Then we heard from [Mo Udall](#) on the House side, and from a congressman by the name of [\[Tom\] Ridge](#) from Pennsylvania, a Republican who is the chairman of the military reform committee, and a very, very attractive person. So I have a laboratory within a mile of where I work, and I think the course we teach here on Congress is not duplicated either at the Kennedy School [of Government] or at Santa Barbara or at Berkeley or anywhere else, because we are so close to the living laboratory.

Ritchie: Most of your students are middle-rank officers who are working their way up to general and admiral?

Shuman: My students are colonels, lieutenant colonels in the air force, army, and marine corps, and navy captains and navy commanders who have spent about twenty years in the service and who are here to get their tickets punched to become admiral and general. A quarter of our students are from the State Department or other civilian agencies, and they are here to get their tickets punched for ambassador. They are here for ten months, taking a wide range of courses and subjects. The course I teach on

Congress is an elective. But about forty percent of what they do is military, military strategy and history. They read the classic authors, Clausewitz, Sun Tsu and Mahon. Of the rest of the sixty percent, half of it is on international affairs and the remaining half is on domestic institutions, including the presidency, the Joint Chiefs, the National Security Council, and the Congress. That's my area.

Ritchie: Do you find that they come with an anti-Congress bias?

Shuman: Yes. Next to the Russians, Congress and the press are the enemy. I try to dispel that. I think we are successful by the hands-on approach we take. It's the old saying that if you take a poll on what do you think of Congress, eighty percent hate the Congress, ten percent love the Congress, and ten percent don't know. If you then take a poll on what do you think of your congressman, eighty percent love him, ten percent hate him, and ten percent don't know. It's just the reverse. So by going up as we did yesterday and watching the Senate in action, visiting Congressmen -- my class has heard from about eight senators or House members

in the last month -- by doing that, I think they get a very, very different impression.

Ritchie: Do you find that you have a different view of the Senate and the Congress now that you're a teacher and looking at

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it from the outside? Have you changed your opinions at all since you left the Senate in 1982?

Shuman: No, I haven't changed my opinions very much. When I first came here to teach there were people who thought I was a partisan Democrat, and I am a partisan Democrat, I don't mind saying so but I don't try to push those views. But as time went on, they found out that what I really am is a partisan of Congress as opposed to the executive branch. That really is where I come from. Because of the experience with the Buck case, and with the Federal Reserve Board and others, I am really a partisan of Congress, and as you know a strong believer in the role and function that Congress plays, and would not want to change in any radical way the basic institution. I would not want to go to a parliamentary system. I'm a Madisonian and a Jeffersonian in those respects. I believe in the diffusion of power. I think it works best of all. If anything, I believe more strongly in the institution in terms of principles than I did before. I knew about the separation of power when I came to work for the Senate, but I was only vaguely aware of its implications. Twenty seven years of experience taught me a lot. I think Congress gets a bum rap because people don't understand its basic function.

I think that Congress at the moment is less interesting than when I worked there, but that may be a function of age. As much as I did not think well of Johnson, and Kerr, and some of the

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others who were leading senators in the early times I worked there, nonetheless they were much more interesting figures as a group than the people who are there now. I think the congressional staff is now excessive.

I think Congress is misunderstood about why it exempts itself from some of the critical laws of the land, like the Equal Employment Act and others. There are very good reasons, based on the division of power, why that's true. If Congress came under the Civil Rights Act or the Equal Employment Act, then another arm of government, namely the Justice Department in the executive branch on the one hand, or the courts on the other, would have to intervene to see that the law

was carried out by an independent branch of the government, and that I think is against the principles of the separation of powers. Almost no one understands that. I was just reading today from the Congressional Handbook that while Congress isn't under the Equal Employment Act, the Ethics Committees in both the House and the Senate demand that members abide by those principles, that members cannot fire somebody on grounds of race, or creed, or color, or sex. That's in the ethics provisions. Now, sometimes those aren't well enforced, and I doubt very much if they could be enforced by the courts. I doubt if the court would take such a case. In fact there was a case of a Congressman who refused to hire any women, I've forgotten who he was now, and I believe the Court did not -- they

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threw some verbal crumbs to the cause for equal opportunity for women -- decide it, on grounds that they didn't have the right to interfere.

Suppose you were a Congressman from an all-black district on the Southside of Chicago, elected by that district, and had a mandate from the people. The only requirement in the Constitution is that you be twenty-five years of age, a citizen for seven years, and a resident of the area, whatever that means. It doesn't say you have to vote there, it just says on the day of election you have to be there. Those are the only requirements. Well, the question is can the courts impose additional requirements? If you want to hire an all-black staff from an all-black district, who is to say you shouldn't do it? Isn't that an issue that the people in your district have to decide rather than the courts or the Justice Department.

That is one reason why there is some justification for some of the things Congress does that are not understood. But in addition the two Houses can censure a member of their House, and expel a member by a two-thirds vote. My students get very irate about Congress exempting itself from some of the laws which apply to others, and I can understand that. I think Congress should abide by those laws, but I don't think they should be enforced by the Justice Department. I remember in the Nixon period, the first Congressman, from New Jersey, who introduced the first impeachment

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resolution, was very shortly indicted by the Nixon Justice Department, for allegedly taking bribes for immigration bills. The immunity clause is in the

Constitution to prevent the Justice Department from indicting Congressional critics of the administration in power.

That leads me to say one other thing, which is one of the pitfalls of being in the Senate. A lot of lawyers will tell immigrants who need a bill to keep them here, an individual bill, that Congress charges for this, and will charge their clients excessive amounts of money for something that is done free by senators and Congressmen on behalf of their constituents. There is no charge at all. We got to the place in the Douglas office where on any letter to a person for whom we had introduced a private bill, we attached a notice that there was no fee of any kind charged for this service, and that if any lawyer told them that there was, it was a falsehood, that this was a free service that their rights as potential citizens to petition us were free. We did it without any charge and we wanted them to know that, in order to prevent people from taking advantage of them. It was a very, very serious matter.

Ritchie: You're right that the Congress does exempt itself from everything from Civil Rights bills to the Freedom of Information Act. . . .

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Shuman: Yes, but it has to do with the immunity clause.

Ritchie: But in the long run, at least in the cases that I'm familiar with, there is an attempt to live up to the spirit of the law. I think it's probably easier to open records of the Senate than it is the records of the executive branch, even though the Congress isn't under the Freedom of Information Act.

Shuman: This issue goes back, I think, to Charles I, who charged a member of parliament who criticized the King for excessive spending, with sedition, and in fact the member of parliament was convicted of sedition. And then Charles I was dethroned by Cromwell. I believe I've got the right king.

Ritchie: Charles I.

Shuman: Cromwell came in, and by the time the throne was restored the execution had not been carried out, and the Parliament adopted its speech and debate clause that a member cannot be called to account in any other place for any speech and debate in Parliament. Parliament has a speech and debate clause and the Congress has a speech or debate clause. We took that provision directly from the British Parliament, so that no member of Congress could be charged or taken to any other place, which means to a court, for any action connected with official duties. Now, combined with that is a provision in the Constitution that

each house shall make its own rules, and in addition to that, each house has the ability to expel a member by a two-thirds vote.

So the recourses against a member of Congress for violating his responsibilities or official duties, or for doing excessive things, are really three: one, he can be censured, as McCarthy was; number two, he can be expelled by the body by a two-thirds vote, if his conduct is excessive. The reason for the two-thirds vote on that issue is very simple. If it were a majority vote the majority party would be constantly expelling members of the minority, so the two-thirds vote is required. Three, the member can be defeated by his constituents at the next election, which is two years for the House, six years for the Senate. Those are the remedies against a member of Congress who does things in excess. I think those provisions are essential, the immunity clause and those remedies, if there is to be full and free debate, if members are to be unafraid to speak their mind. If a member could be sued for libel, for getting up on the Senate floor and saying the wings could drop off the C5A, which my senator did, there were cracks in the wings and danger of the wings falling off, Lockheed Aircraft would sue him and he'd be spending his time answering in another place, namely in the district courts somewhere, to a libel suit. So the Constitution gives members full and free debate, even to say outrageous things, in order to protect them from harrassing suits.

One of the problems with the Hutchinson against Proxmire case was the court limited that freedom in a way that had not been done before. The court overturned a hundred and ninety years of history of the country by an eight-to-one vote, I think absolutely wrongly, because it limited the immunity protection for debate to debate on the floor or in committee. I have some grave doubts about that. Suppose that as a senator you hold a hearing on the overruns on the C5A on a Friday, and the Senate isn't meeting that day. The hearing ends at noon and CBS comes along and says, "Senator, what do you have to say about those wings falling off the C5A?" And the senator says, "Well, I'm very sorry but the Supreme Court has ruled now that I can be sued for libel for something I say that's either not said in committee or on the floor, so I'll have to wait until the Senate convenes next Monday in order to repeat what I said in committee." Or in some cases when the Senate goes out from before Thanksgiving till January 3rd, the senator would have to say, "I'll have to wait two months before I can speak to that issue," which is ridiculous.

I think a senator or a Congressman should be free to speak in public without being sued for libel on any subject that is connected with his legislative activities. I don't think he should be able to say, either on the floor or on CBS that the wife of one of his constituents is a lady of the night. I really don't think the Senate should protect that. The immunity clause does protect

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a member now for saying that on the Senate floor, but that has virtually nothing to do with official duties. [Huey Long](#), I think, did some of those things one time and got by with it, and couldn't be sued.

Ritchie: [Adam Clayton Powell](#) called some woman a "bag lady" and couldn't go back to his home district for a couple of years because of the courts, but he could say it in Washington.

Shuman: He could say it on the floor. But nonetheless, I think the court has the principle wrong. What the immunity clause's purpose is is to promote full and free debate on public issues. Now, congressmen and senators are involved in the most sensitive kinds of issues, the issues with the greatest conflict. They've got great economic forces for and against them. They talk about the most controversial issues. So if they can be sued for what they say on the stump about a public issue, as the Supreme Court now holds, (wrongly, I think, although it's the law of the land and you've got to obey it, and I would obey it) that limits free debate, which was not the intention of the speech or debate clause.

They went a step further in our case. One of our staff people, Morton Schwartz, called the National Science Foundation, which had given the grant to the researcher, and I now refer to the documents in the case. The researcher had been fired from his

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job by the State of Michigan for misuse of funds. He had taken unusual trips and done a variety of things. He didn't embezzle any funds, I don't want to put it that way, but he had misused his funds. He had taken, for example, some of his staff down to the Caribbean at Christmas to study the behavior of fish in their natural habitat. He did things like that. He took flying lessons and charged them to the government -- this is a private citizen with a grant -- on the grounds he wanted to study the behavior of certain kind of animals at ten thousand feet. He worked for the state of Michigan but he was fired by the state. There was a report. They almost indicted him, but they didn't. They fired him.

So our staff member called the National Science Foundation to ask about this. What do you do in cases like this, where it is quite clear that a state agency has said that the funds which were both state and federal had been misused? The National Science Foundation told him they didn't do anything about it. They were uninterested in it. But they did make a note of the conversation, and one of the things Schwartz was sued for, he and the senator, was for illegal interference, "tortuous interference"

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with the man's contract -- and this was an agency over which the senator had jurisdiction on the Appropriations Committee, and this issue had first been raised in a hearing before the Appropriations Committee. The Supreme Court decided in *Hutchinson v. Proxmire* that in fact Schwartz could be sued for "tortuous interference" with the contract. They did not rule on guilt or innocence, only that he could be sued.

Now, something like this was drawn to my attention at least twice a year, during the twenty-seven years I worked on the Hill. At least twice a year I got some kind of a case where it was charged that somebody was trying to steal the Capitol dome, or was embezzling funds or one thing or another, and I routinely, on such issues, bucked it to the General Accounting Office, but sometimes to the appropriate agency. Well, a few months after the case, I got such a charge, and I called the counsel of the Senate, [Michael] Davidson, and said, "What should I do about this? The Supreme Court says if I buck this around I can be sued." And he urged me not to send it to the General Accounting Office on the grounds that I could be subject to libel under the decision.

It's one of the loose ends, but I think that Congress could pass a law saying that the immunity clause applies to all legislative activity, and legislative activity includes speaking not only on the floor and in committee, but in public on issues affecting the public interest, such as the candidates for president are now doing. I don't think anybody ought to be able to bring a libel suit against [Paul Simon](#) for something he says on a public issue in the heat of debate with his colleagues. I hope the Supreme Court would find that that was all right, but I'm fearful about it.

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Or one might acquiesce in the Supreme Court interpretation, but pass a law saying that if anyone brings a libel suit, if the person who loses the suit he pays the bill. This is the British law. In a libel suit if the person bringing the libel loses, he pays the bills for both sides. Under the present circumstances, an enemy of a sitting senator could quite easily bring a half a dozen libel suits against him on frivolous grounds and tie him up for months, keep him from coming to the Senate because he's in court, or because he refused to settle. As in our case, where the Senate paid our legal costs, there was criticism about that. There's no public outcry if someone sues the Attorney General, Mr. [Edwin] Meese, or the Postmaster General, or the Secretary of State. Automatically in the executive branch that's part of their job, and the suit is paid for with public funds, but when a senator is sued for something he does in his public life, people say, "Well, we're not going to pay for that bum's legal charges."

So there's a very, very real problem with the Supreme Court's decision, and I think the Court's decision was fundamentally flawed. Their new point of view had never been true before. It came about, I think, because of Chief Justice [Warren] Burger's antipathy towards the press, and the decision not only threatens members of Congress, but it threatens the press as well. The court left open the question whether the press could be sued for repeating the statements the senator made on the floor, because

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what we did was we put out a press release which was identical with what he said on the floor. The court said what he said on the floor was protected, but that the distribution of that press release was subject to a libel suit. That was their view. But is the distribution of the *Congressional Record* libelous? Should it be libelous?

The suit raises a lot of issues, and it raises an issue about the courts which I find fascinating. The Constitution gives no immunity to the court. It gives no immunity to the executive branch. There is an immunity clause for Congress, and what the courts and executive branch have done is to say that where there is no immunity clause they have virtually complete immunity, but where there is an immunity clause, it's limited. So Congress with an immunity clause has less immunity than either the judicial or the executive branch, which is absurd. If the Supreme Court applied to itself the principle it applied in our case, Justices could get up on decision day and read from the bench, as they do, the decision in a certain case. But suppose in the course of that decision, one of the justices said that a lady was a lady of the night, or that John Jones was a crook, or something that otherwise might be libelous if it had not come from the court bench. If the court took the position it took against us, the justice could say that from the

bench, but if that judgment was distributed, as it is was mailed it out to newspapers, or handed out, then

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Chief Justice [William] Rhenquist could be sued in court for distributing a statement that he had immunity for saying on the bench but which he didn't have immunity to broadcast or mail out.

I don't see how the informing function of Congress can be carried out if the court takes the position that it's okay to say it on the floor but it's not all right to broadcast it, in the general term of speaking it, of getting it out, of sending out a press release, of saying it on the radio or in the press. It's very, very serious matter, and people should read that decision.

I worked on that case for five years, and I was dumbfounded by that Supreme Court decision. I thought they hadn't read the briefs. I don't think they knew the history, and one of the problems was that at that time, not a single member of that court, Mrs. [Sandra] O'Connor wasn't on the court then, had had a single day's experience in the legislative branch. Not one of them. I think they got the wrong answer, and they did it eight to one.

Ritchie: Justice Brennan dissented.

Shuman: Brennan was the only one, and Brennan didn't say anything of substance in our case. He had no extensive minority view. But he just voted against it. I have reason to believe that the Chief Justice took this as a personal matter, because of

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his view of the press, and prevailed upon the court to act as it did and not to write much more about it.

Before that case there had been a series of opinions on this general subject in which there was a lot of dicta, that is to say, statements not based on the facts of the case, or going to the heart of the case, but a passing phrase. In the preceding ten years, there were three or four very interesting cases with lots of dicta. Some people said, "Well, you'll lose this case if it goes to the Court because they'll make dicta into law in your case." And I think Berger was waiting for a case to do that. I didn't think so then, and what we did was to challenge the Court. I sat in on the question of what should we do. Should we be pliant or should we challenge them? We decided to challenge them, to say that they were wrong, that their dicta was

absurd, and that here was their chance to change it. Instead they made dicta into decision.

But I honestly don't think they read the briefs, at least not very thoroughly, because they made all kinds of mistakes of facts, especially about what had happened in the case of the man who brought the suit. The briefs were full of the background of the case which the decision didn't seem to be aware of. I was very disappointed. I thought it was a sloppy job among other things.

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Ritchie: Did it affect the way Senator Proxmire handled the golden fleece after that?

Shuman: No. We determined we weren't going to be intimidated by it, and we weren't.

Ritchie: That was in 1978, I believe, that the case was decided. The Congress has lived with it for almost a decade now. Why do you think they haven't made any effort to pass legislation to correct it?

Shuman: Because they don't know about it. I was with a Congressman only yesterday and he didn't understand the immunity clause. Somebody raised the very issue we've been talking about: why doesn't Congress apply the laws to itself. He didn't have a clue about the immunity clause. When this issue came up in the Senate, only a couple of senators really knew the issue. Bob Byrd knew the issue, and Howard Baker knew the issue. Immediately, within a day or two of the time we were sued, they sent us a counsel. In fact, what happened is I first drafted a letter to the Justice Department, because I called around to ask people what happens when a senator is sued. They said in the past the Justice Department has handled the cases on behalf of the Senate, as they did in [\[John\] McClellan's](#) case. Well, I called around, and in fact we sent a letter to the Justice Department asking if they would be willing to defend us in this case. Then I got hold of

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these decisions in the previous decade, and in those cases the Justice Department had been on the wrong side! One of them was the case of the Senator from Alaska, who released the Pentagon Papers.

Ritchie: [Mike Gravel](#).

Shuman: In that case, the Justice Department had brought the case against Gravel, saying he didn't have immunity. He read the papers in a subcommittee. He convened a meeting of the subcommittee and read the papers, and the Justice Department wanted to get him for that. I don't necessarily agree with what Gravel did, but I thought he was immune from prosecution for it. The Justice Department was on the wrong side, so when I read that I thought this is a mistake, they're not going to be very good defense lawyers. They're going to be giving the case away! The other side will just quote back what the Justice Department had said before.

So I called the Secretary of the Majority, Charlie Ferris, who had been a Justice Department lawyer, and a very, very savvy fellow, a very, very ethical fellow. The difference between Charlie Ferris on the Senate floor and Bobby Baker was like night and day. It was a thousand percent improvement in the quality of the staff of the Senate. Charlie said, "Don't get the Justice Department to do it. We'll do it." Within hours he, on the

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advice of Byrd and Baker, sent us a lawyer who was a very good lawyer, and whom I felt very sorry for when we lost the case because I thought he was a thousand percent correct.

Over a period of about five years I spent certainly twenty percent of my time on that case. I was a dead ender. I wanted to fight it all the way. I don't think the senator cared as much as I did about fighting it, and ultimately he did settle it. He thought, rightly, his time should be spent on his Senate duties not in court. That's an additional argument for the immunity clause. An eight million law suit was settled for ten thousand dollars, which the lawyers told us was a very, very good deal. So it never went to court. We never lost the case. A lot of people say we lost the case. All the Supreme Court decided was that the other fellow had a right to sue. I don't think we would have lost the case in court. We were factually correct in what we said in that case.

You can study the Constitution as I do. I read it time, and time, and time again, and every time I read it I find new things in it. But to understand the immunity clause takes a case. As a result of that suit, I found out a lot about the immunity clause I'd never before dreamed existed.

Ritchie: What was your opinion -- just as an aside -- of the various Justice Department attempts to prosecute senators,

particularly with the Abscam investigation. Do you think that's crossing the border?

Shuman: Yes, sir, I certainly do. I thought the Abscam cases were improper. I have very great doubts of the guilt of a couple of people. In some cases, they took members of the House who had bad reputations and dangled money before them, and they took it. But I don't think the Justice Department ought to be in the business of committing crimes in order to catch people committing crimes. It's got a legal name.

Ritchie: Entrapment.

Shuman: Entrapment. I personally thought it was entrapment. [Pete Williams](#) was one person I thought was unjustly dealt with, and the reason I did is that I had watched him at very close range since 1958 when he first came to the Senate. In fact, I had known him as a Congressman a year or two before that. He was on the Senate Banking Committee, and I must have been in more than a hundred meetings either of the committee, or the conference committees, or in caucuses of the Democratic members, when I spent hours sitting beside him, or listening to him, or watching him. He was the most self-effacing person I ever knew. I never once heard him boast that "I'll get this done," or "I'll do that," or "By God, we're going to have this for my state." None of that. He was anything but that.

In the tape they had of him, he boasts to these characters dressed up as Middle Eastern sheiks, that "I'm a big man in New Jersey, and you can count on me to use my influence on your behalf." It was absolutely out of character. Not once in twenty-five years had I ever heard him say anything like that. He claimed in his defense that that was what he was told to say by the Justice Department agent, a man who had had a criminal record and who came to him and said here's what you have to say to these sheiks, and that is what he said. So I believed the senator when he said that he'd been told to do this, he'd been set up by it. Now, there were others who saw the film who thought he was guilty, but I did not think he was guilty. I thought he had been taken. And without knowing as much in detail about it, I thought the other Congressman from New Jersey.

Ritchie: Was that [\[Henry\] Helstoski](#)?

Shuman: No, I think that was the man who was indicted by Nixon for allegedly selling legislation. No, this was an almost blue-ribbon, blue-stockings fellow from New Jersey, well-liked, tall thin fellow, [[Frank Thompson](#)].

As you can see, I have a certain passion about these matters. One time I gave a lengthy talk to the press staff of Democratic members of the House in which I went into the immunity clause in greater detail, and I've forgotten some of the nuances of it now.

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But along these lines there was one thing I did I want to mention. I won't say that I'm proud of it, but I did it, I should have done it, it was in the line of duty. A woman professor from the University of Wisconsin called one day. She had been fired by the University of Wisconsin, Madison. This was in our state. She complained of two things: one, she complained of sexual harassment by her superior; and two, she complained that he had misused public funds which were grants from the federal government and the Department of Health and Human Services. She had chapter and verse. There had been a hearing at the university. The scientist who had quite a reputation as an environmentalist had testified in many cases about how toxic things were. She complained about his misuse of funds, and she had specific details. He had gone to a professional meeting in Florida at Christmastime, but had gone by way of Vail, Colorado and skied for a week on the way and charged it to the federal government. She had this and other abuses in black and white. There had been a hearing by her dean, who was new. The hearing was superficial. He really didn't go into it. She was fired but the professor stayed.

So she called and then came in, and she was desperate. She had lost her job, but she thought she was right. What I said was that we didn't have any jurisdiction over the sexual harassment charges, that wasn't a federal issue, but we certainly did have jurisdiction over the question of whether the federal funds had

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been properly used. What I did was to buck the case to the Health and Human Services Department, where there was a man there, Tom Morris whom I had known from years back. He was either an assistant secretary or under secretary, who had previously been in charge of procurement at the Pentagon, and who had been number two man at the GAO. I sent the stuff to him and merely asked if he would look into it. Well, he did look into it, and a year or more later after I had forgotten all about it, I got a call from the U.S. Attorney in Madison saying, "We wanted you to know that today we've indicted the professor, and he has pleaded

guilty. We have gone to court, and we wanted you to know in case you want to say anything about it." I said, "No, we certainly don't want to say anything about it." We didn't. We weren't particularly happy to crow about a man who might go to jail.

It turned out that what she had said was absolutely correct, and the U.S. Attorney had found all kinds of other places he had misused funds. It also turned out, and this was really the sad part of it, that as a scientist he had jiggered his scientific evidence. We came under a lot of criticism from some of the environmental groups, because they had depended on him as their expert witness in a series of very important cases. It turned out that his testimony was fraudulent. He was fired. I can't remember whether he went to jail or not.

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I think in that case we bucked it over before the Hutchinson case came down from the Supreme Court, and I found out the results afterwards. It was at this stage that the counsel for the Senate, Davidson, told me that what I had done could now be subject to libel. Well, how is a staff member able to protect the public interest in a case like that? We didn't charge off and say the guy was guilty when I bucked it over to them. All I said was, "Would you look into it?" If you get a case like that, and you don't look into it, or you don't ask the GAO or somebody to examine it, and later there's a big case about it, it will be said, "We sent that stuff to Senator Proxmire and he sat on it." That's a very improper thing to do. You have to do something about those cases. And for a staff person to be subject to a libel suit for acting in the public interest is wrong. Take that Supreme Court! I'm not against the Supreme Court in general, but I really do have problems with that case.

Ritchie: Well, fortunately it doesn't seem to have been applied since then.

Shuman: No, but Congress has got to do something about it. Congress probably won't do anything about it until somebody tries to sue [Bob Dole](#) or somebody who's got great standing, and then they'll do it. It was true in that instance that our colleagues left us in droves. They were reluctant to really back us up very much, except for the leadership. The leadership was

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convinced by Charlie Ferris and others that a great principle was at stake. And the counsel on the House side was extraordinarily supportive. He's since left the House staff.

Ritchie: Why do you think the other senators were less interested?

Shuman: Well, they had to vote the money.

Ritchie: But it was a relatively small amount.

Shuman: I think the total amount in the end was something like a hundred and twenty thousand dollars. It was in the courts for some time. It was expensive to pay the law firm. The lawyer actually charged us only eighty dollars an hour. That was at a time when they were getting a hundred and twenty, a hundred and fifty dollars an hour. He did pro bono publico work. I'm sure he didn't charge us for all the hours he was involved in it.

Ritchie: So it can be dangerous to be a staff member on Capitol Hill!

Shuman: Extraordinarily dangerous. You don't know whether you should do it or not anymore. If you were a driver of a Post Office truck and were drunk and ran into somebody, you would be immune from prosecution, according to the cases. The government would probably settle it. But historically the government has had to agree to be sued in order for it to be sued. But not

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the Congress. It's a one-sided point of view. Yet Congress is supposed to be protected by the immunity clause, which neither the courts nor the Executive Branch have.

Ritchie: It's an interesting coda, considering how often in your career you were involved in things like that.

Shuman: Many times a year.

Ritchie: Well, I think you've done a magnificent job of covering twenty-seven years worth of Congressional activities.

Shuman: There's one question you asked me that I didn't answer, because I got off on the Mondale story. It was about other senators we worked with.

Ritchie: Oh, yes.

Shuman: We worked with [Ted Kennedy](#) a lot on tax loopholes, and shortly after I retired from the Senate my wife got a call at home asking if there was anyone in our office who was coming by my house, because he had a gift for me which was

fragile. My wife kept thinking they were going to send china or a piece of Waterford glass. One of the women in our office who did the casework lived near us, and so she brought the gift to my house. It was a framed copy of the tax code, enclosed in glass. Senator Kennedy had punched holes through this book, which was three inches thick, like holes in Swiss cheese, and had

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written something on the bottom about the part I had played in helping to stop the tax loopholes.

I worked with [Howard Metzenbaum](#) on similar issues. Metzenbaum, Kennedy, and Proxmire were the ones who got up and stopped the rot on the tax bills. Earlier I worked very close with [Albert Gore, Sr.](#) He and Mr. Douglas were on the Finance Committee, and I got to know Senator Gore very, very well indeed. Of course, we worked with [Gaylord Nelson](#), of whom I think very highly. He was a great public-interest senator from Wisconsin. On Civil Rights we worked with [Jack Javits](#), very closely, and with [Cliff Case](#) of New Jersey.

Proxmire worked with [Fulbright](#) on some of the issues in connection with foreign aid. There was a period when Proxmire chaired the Appropriations subcommittee on foreign aid, when there was just no estimate of the totality of foreign aid in all its parts, including military aid. We held a very major hearing in the subcommittee, and Fulbright was then chairman of the Foreign Relations Committee, so they had a lot of clout in getting information, and we had a very good staff man as well, Bill Jordan, and he was tough as nails. I was present when he brought in the Pentagon generals one time to the Appropriations Committee room in the Capitol, and layed down the law to them as if they were privates, because they were refused to help us compile the totality of all foreign aid. I think it amounted to fifteen to

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twenty billion dollars at a time when the budget said it was a figure of one and a half to two billion. I mean, they had hidden the rest of it, squirreled it away in all kinds of places. So that was a case of working closely with Fulbright, and I got to know him pretty well as a result of that.

One other person I want to mention whom I worked with a lot with Mr. Douglas was [John Williams](#) of Delaware. John Williams was a very conservative fellow, but he was straight as an arrow, uncorruptible. He and Mr. Douglas were the watchdogs of the Senate, bipartisan watchdogs. I must tell you that at the time of the Bobby Baker incident -- I had forgotten this and it's important -- John

Williams was the man who really got the evidence on Bobby Baker, because what had happened had happened in the Finance Committee with the shake-down of the stock savings and loan institutions. John Williams came to Mr. Douglas and said, "You are the one person I trust in the Senate, and I want to leave a copy of my evidence with you in case anything happens to me. I want you to have it because I think you're the only one I can trust to keep it and do what's right about it." They had that kind of relationship. Obviously, Mr. Douglas thought very highly of John Williams and he of Mr. Douglas, or they wouldn't have agreed on that.

Going back, of course Hubert Humphrey was a great ally, I've told about the instances with John Kennedy on two or three issues.

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We worked with [John Sparkman](#) from time to time, because of the closeness on the Banking Committee.

Ritchie: I was going to ask you if you found there were any senators that you couldn't work with.

Shuman: Well, [Johnson](#) was very difficult to work with. [Kerr](#) was impossible to work with. He was against us on every issue, oil, and public works and all the rest. There was the instance of the Indiana Senator.

Ritchie: [Vance Hartke](#)?

Shuman: No, the other one, the heavy-set one, a Republican.

Ritchie: Oh, [Homer Capehart](#).

Shuman: Capehart -- where in saving the Indiana Dunes, Mr. Douglas went to him first and asked him to lead on that issue, because it was in Indiana. Capehart originally seemed to be willing to do it, but he said he wanted to go back and check in the state. He came back later and said there was no way he could do it, and that if Mr. Douglas said he'd once agreed to it, or thought he would do it, he would have to deny it. He wasn't obnoxious or anything like that, but he did oppose us very, very strenuously on that issue. I thought needlessly.

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In a very minor degree for a time we were somewhat estranged from [\[Edmund\] Muskie](#), which was unfortunate. It wasn't done deliberately. Muskie defeated

[\[Frederick\] Payne](#) of Maine. Payne of Maine was probably the most progressive Republican in the Senate, and Mr. Douglas had originally come from Maine, had graduated from Bowdoin College, and they were on the Banking Committee together. Payne was the cosponsor of Douglas' Depressed Areas bill, and Payne was running for reelection in '58. Muskie asked Mr. Douglas to come to Maine to speak for him, and Mr. Douglas didn't feel that he could, because of his relations with Payne, and because they had cosponsored this bill. They worked very closely together. It would have been the wrong thing to do. I think what Douglas told Muskie was: "I'll make a statement on your behalf saying what a good fellow you are, but I just can't come to Maine and appear against Payne." He didn't, and I speculate that Muskie really never quite forgave him for that. But in similar circumstances I'm sure Muskie would not have gone to Oklahoma to speak against his Republican colleague, [Bellmon](#), on the Budget Committee. Muskie was a key holdout on our Truth-in-Lending bill for years. He was against us time and again, and we never could quite figure out where he was coming from. But I think Muskie was a very great senator. He had a hot temper. I think he was more qualified to be President than any of the last five Presidents.

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Ritchie: Did he support it after Proxmire picked it up?

Shuman: I don't know whether he did or not. He must have voted for it on the floor, because everybody did. Once it got out of committee, they all voted for it. But there was something there that I never quite knew about.

[Clint Anderson](#) from New Mexico was quite a fine senator, but Mr. Douglas never could quite understand his motives. One understood why most senators voted this way or that way. They'd tell you, "I'm sorry, I'd like to be with you, but I can't do it on this one." But Anderson was an enigma in terms of where he came from. He was quite independent and had a great record. He went to New Mexico as a young man, I think he went there for his health to begin with, was a newspaper reporter and exposed Teapot Dome.

I remember [\[George\] Bush](#)'s father, [Prescott Bush](#). He was on the Banking Committee, and Mr. Douglas had quite a good relationship with him. He was a more progressive senator than most. Bush and the other senator from Connecticut, [Purtell](#), were our sometime allies. We had a very good relationship with not only [Herbert Lehman](#) but the other senator from New York.

Ritchie: [Irving Ives](#).

Shuman: Irving Ives, because of the Civil Rights issue, and [Ken Keating](#). Irving Ives' son was his AA, and I got to know him

very well and liked him a lot; as well as [\[Leverett\] Saltonstall](#)'s son, who was an upright fellow on the Republican side. We were very close to the New Jersey senator, Cliff Case, and his staff. I suppose I was about as close to his staff as any staff in the Senate.

Ritchie: It sounds like what you're saying is that party was not as important as say ideology or in some cases even personality.

Shuman: Well, in the Johnson years it was less important. It was really the big states against the South and the Mountain state coalition. We were allies with the big states. [\[Thomas\] Kuchel](#) of California was our very close friend and ally. I ran into him on the street in London, on Piccadilly, a couple of years ago. I hadn't seen him for ten or fifteen years. He had a staff man who wrote a great book about the Appropriations Committee, and who now is president at Long Beach.

Ritchie: Steve Horn.

Shuman: Steve Horn, and we had very close working relations with him. [Scoop Jackson](#) was our friend and ally. I was very close to Scoop Jackson, in fact I saw him when I left the Senate, he invited me over to his office and we talked long and hard. He told me that he got into politics because of a speech Mr. Douglas gave at the University of Washington when he was a student. He

said he went to hear him and got greatly interested in what he was saying, and it really was a major part of getting him interested in politics as a career. So you never know what influence you have on people. We weren't close to [Warren Magnuson](#). Magnuson was the pro's pro. He almost always voted right, but he wasn't very strong in his support. He had a good, liberal voting record, but he didn't help very much to break the filibusters or anything like that. He was an insider. But in his later years after he married and ran the Commerce Committee, in choosing staff and pushing consumer legislation, he made a great name for himself. We were close to [Dick Neuberger](#), and his wife [Maureen](#). [John Carroll](#) of Colorado was a friend and an ally.

In Proxmire's time we were with [George McGovern](#) in a curious way on a number of issues, some of them agriculture, not necessarily liberal or conservative issues.

Ritchie: Why do you say curious?

Shuman: Well, by that I mean to say -- curious isn't the right word -- I mean we weren't necessarily with George because of his stand on liberal issues, we were with him on a lot of issues that were more regional in character. They were not necessarily liberal or conservative, but we just happened to be with him on a lot of things. I remember one time after he was defeated for president. You may remember Jim Tobin of Yale, who became a Nobel

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Prize winner. He was from Champaign, Illinois, Tobin's father, Mike Tobin, was head of public relations for the athletic department and one of the few Democrats around. His mother worked for all kinds of community causes. His brother and I were precinct committeemen in 1948. Jim Tobin wrote an article for George McGovern in the 1972 election when McGovern was defeated, advocating a hundred dollars per person as a negative tax. My memory is that if you had a minus income, you got a hundred dollars. The Republicans made a big to-do about it. It was a tactical mistake, something they ran with.

I remember after the election, when McGovern was on the Senate floor, someone from the Republican side proposed an amendment of almost identical nature, and all of a sudden it occurred to people, and especially to McGovern, that those who had opposed him so vehemently on this were now proposing something of the same thing. And he made a great to-do about it. I told him at the time: "George, I think you'll have to wait to get your reward in heaven, I don't think you'll ever get it here on earth." There were a whole series of issues after that election in which he was badly defeated in which he proved to be correct, and which people admitted he was correct on a range of things, but he has not, and did not get his reward in this world. As the son of a minister, he may get it in the next world.

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[\[James\] Abourezk](#) was our ally with Proxmire, because Abourezk was our kind of person in the sense of raising holy hell about a lot of watchdog types of things. [Adlai Stevenson III](#) was on the Banking Committee with Proxmire, and we were with him on a number of issues, and I was particularly, because I had had that relationship with his father. I was part of the steering committee for young Adlai's reelection. He met with us several times. I think the group I was with was mostly window dressing, but I did write him a long memo about what I thought he should do, how he should campaign in Illinois. As a result of the campaigns I had been through, and I thought very highly of him.

Thinking back over this, I've been too critical in what I've said to you about Adlai Stevenson, his father. I've pointed out the places where he and Mr. Douglas were at odds, but I think it's a wrong impression for me to have expressed so much criticism of him because basically I was excited about his candidacy for governor and for president and his record as governor and at the U.N. I wasn't for him in '60, but I was certainly for him in '48, '52 and '56. He brought a distinction to politics that had not existed in Illinois until he and Mr. Douglas ran, so it's unfair to be overly critical of him, whatever his minor faults may have been.

His son, I thought, in some respects was -- I don't want to say better -- but he had some strengths that his father didn't have. I

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think he was more decisive. Sometimes he was too decisive. There were times when Adlai III got hold of an issue and you couldn't get him off the issue. He chewed, and chewed, and chewed on it. He was extraordinarily helpful in the New York battle -- it was either New York or Chrysler, I can't remember now -- but he essentially crafted the basic outcome and put in protections for the federal government in the act which we hadn't really thought about, and which he had a very, very important role. And of course his role in changing the committee system in the Senate was very important. He didn't get everything he wanted on that, but he got a lot.

In fact, I got an amendment to that bill. In the old days, there were these ad hoc or ex-parte members of the Appropriations Committee who came in from the substantive committees. Did you know about that? Well, it goes back to 1921. Until 1921, and in fact throughout the history of committees, the legislative committees and the appropriations committees were often the same -- in fact, predominantly the legislative committee also appropriated. I think it was 1836 in the House and about 1850 in the Senate when the first distinctions were made, and from then on sometimes committees would be both legislative and appropriation committees, and sometimes they weren't. Generally speaking there were appropriations committees for the minor things, legislative appropriations and the District of Columbia, but not for the big

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issues. At the time the Budget and Accounting Act of 1921 came into effect, and as a result of the act, Congress established appropriations subcommittees which rivaled or reflected the executive agencies, the departments. This was new in some of those instances.

To mollify the barons or poohbahs of the legislative committees, the Senate decided that when the defense bill was up before the Appropriation Committee, the chairman of the Armed Services Committee and the ranking Republican would be ad hoc members of the Appropriations Committee for that purpose. But it turned out, as an accident of history, that this was done almost exclusively for the most important committees. That is, the Labor Committee didn't have anybody to do it; there weren't two extra votes for labor and health, but there were two extra votes for defense. The thing that got me was that under the HUD independent offices appropriation subcommittee the space agency got special consideration. Every time the House would cut their budget and the bill would come over to the Senate and we'd propose that they be cut a bit more, at the last minute in would walk [\[Barry\] Goldwater](#) and the Senator from Utah.

Ritchie: [Jake Garn](#)?

Shuman: No, the Democrat.

Ritchie: Oh, [Moss](#)?

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Shuman: Ted Moss, who was gung ho on space, and usually one other majority member. They had three extra votes. They'd come in and they'd undo everything we'd done. We might as well not have held the hearings. They didn't come to the hearings, they didn't testify, all they did was to walk in at the mark-up and indiscriminately vote for space. All this and heaven too I think would be a proper way to put it, since space goes to the heavens. Well, we were unhappy about that. I wrote an article for the *New York Times* about it, which they printed on the editorial page. The Stevenson bill was up and I raised this issue with them, and sure enough they changed the practice. I proposed either that everyone be equal, or that no one do it, and the committee cut it out. So the ad hoc members were cut out, I think rightly so, as extra people on the Appropriation Committee. And you can see how powerful a thing that was at the time when the committee chairmen were so dominant. I mean, it really gave the chairmen extra power to have the legislative chairman as well as the line-up of Southern Democrats on the Appropriations Committee to vote for their pork and positions. Barry Goldwater wrote me a nasty note about the article as I mentioned him. But I didn't knuckle under to him because what he had done was a matter of public record and I had every right to mention it.

Ritchie: It must give you some sense of satisfaction, having come into an institution, seen it in one way, and had a chance

to influence its change dramatically. By the time you left the Senate in 1982 it was a very different institution than it had been in 1954.

Shuman: It certainly was. It was a very different institution, and I think a better institution. I think the breakdown into subcommittees was very important. Although the staff is too large now, I think we needed more staff. The Congress doesn't need to rival the executive branch, but it sure needs a lot more expertise than it had to begin with. The filibuster, because of the passage of Civil Rights, has more or less gone by the way, but, I as I have mentioned would change the rule to allow for full and free debate and for the Senate to decide an issue ultimately by a Constitutional majority vote.

End of Interview #9